

THE DOWNING OF A UNITED STATES PLANE IN NICARAGUA AND UNITED STATES INVOLVEMENT IN THE CONTRA WAR

HEARING BEFORE THE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES NINETY-NINTH CONGRESS

SECOND SESSION

OCTOBER 15, 1986

Printed for the use of the Committee on Foreign Affairs



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1987

67-221 O

For sale by the Superintendent of Documents, Congressional Sales Office
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CONTENTS

Hon. Toby Roth, a Representative in Congress from the State of Wisconsin	Page 1
Hon. Elliott Abrams, Assistant Secretary of State for Inter-American Affairs, Department of State, accompanied by Michael E. Kozak, Principal Deputy Legal Adviser, Department of State.....	4
Hon. Robert E. White, former U.S. Ambassador to El Salvador	44
Lt. Col. Edward F. King, retired, Central American military expert.....	54
Daniel Sheehan, Esq., chief counsel, Christic Institute.....	66

MATERIAL SUBMITTED FOR THE RECORD

Reprint of an article entitled "U.S. Citizens Also Aid Marxist Sandinistas," which appeared in the Washington Times on October 13, 1986	22
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THE DOWNING OF A U.S. PLANE IN NICARAGUA AND U.S. INVOLVEMENT IN THE CONTRA WAR

WEDNESDAY, OCTOBER 15, 1986

**HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS,
Washington, DC.**

The subcommittee met at 2 p.m., in room 311, Cannon House Office Building, Hon. Michael D. Barnes (chairman of the subcommittee) presiding.

Mr. BARNES. The subcommittee will come to order.

The House is scheduled to vote momentarily on the defense authorization legislation. But, in order to accommodate our colleague, Mr. Roth, the Chair felt it would be appropriate to convene the subcommittee hearing and permit Mr. Roth to present his testimony at this time. Then we will recess for the vote and return for the remainder of the subcommittee hearing.

So, at this time, the subcommittee would welcome Mr. Roth and any comments he may wish to present for the record of this hearing.

STATEMENT OF HON. TOBY ROTH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

THE TRIAL OF EUGENE HASENFUS

Mr. ROTH. Thank you, Mr. Chairman. I appreciate your allowing me to appear before the committee, and also thank the members of this committee.

Eugene Hasenfus is a constituent of mine, as are his wife, children, and family. I am very much concerned about Eugene's condition and his well-being. Eugene is being held in one of the most notorious prisons in the Western Hemisphere. It is described by Amnesty International as a prison with small, isolated cells with poor ventilation and no natural light. Lights are left on permanently or prisoners held in the dark for weeks or more.

For 6 days, the Nicaraguan Government has denied Eugene his right under international law to see and visit with our Embassy officials. It was not until the past weekend he was finally allowed to meet with Embassy officials, and even then only for less than 15 minutes, and with officials from the Nicaraguan Government present. His wife, Sally, was only allowed to see him for approximately 30 seconds.

We have learned from the Nicaraguan Government that they may prosecute Mr. Hasenfus before the People's Anti-Sandinista Tribunals, a kangaroo court reserved for political prisoners accused of counterrevolutionary activity. The tribunals have been widely criticized by human rights organizations, including Americas Watch, International League of Human Rights, and Amnesty International for their abuses of defendants' rights. And I think on this count, the facts speak for themselves.

Last year, the tribunals heard some 559 cases; only 1 resulted in an acquittal. Defendants are not allowed attorneys prior to trial. The trials are closed to the public. Prosecutors have a free rein to present any evidence regardless of how it was obtained. Only one of the three judges has had any legal training, and there are no appeals.

Given the tensions that exist between our two countries, last week I contacted our mission at the United Nations and discussed with our representatives the notion of having the Secretary General intervene in this case as a third party. In my judgment, we need to have an intermediary involved if solely for humanitarian purposes.

Our mission is very receptive to my proposal and has started initiatives in that direction. Our hope is to have the Secretary General of the United Nations appoint a special representative to go to Nicaragua and to meet with all parties concerned to resolve this case.

I am very much concerned about the fate of Eugene Hasenfus. The prospects of him languishing in a dark cell for years to come are very real. I hope the members of this subcommittee will consider that the future of a man's life and his family back home are at stake here. We are dealing with a country that convicts and sentences people to life terms on the basis of circumstantial evidence and hearsay.

Mr. Chairman and members of the committee, I appreciate you allowing me to make my presentation.

Mr. BARNES. Thank you. We appreciate your appearing before the subcommittee. We certainly share your concern with respect to the well-being of an American citizen and concern for his family.

The subcommittee will stand in recess until the vote is completed, and we will at that time welcome the Assistant Secretary of State.

Mr. ROTH. Thank you, Mr. Chairman.

[Recess.]

Mr. BARNES. The Subcommittee on Western Hemisphere Affairs will come to order.

If there is a God in heaven, the Congress will adjourn this week, and that means this will probably be the last hearing of the 99th Congress and our last hearing under my chairmanship.

Quite frankly, I had determined earlier that there would be no further hearings of the subcommittee, but at the specific request of the Speaker of the House I agreed to undertake an investigation of the matter before the subcommittee this afternoon. Since this is very likely the last hearing that the subcommittee will hold in the 99th Congress, I want to take this opportunity to thank all the members of the subcommittee for their hard work and their coop-

eration, not only during this Congress but during the entire 6 years that I have had the great privilege of serving as its Chair.

GOALS FOR THE SUBCOMMITTEE

On March 4, 1981, when the subcommittee met for the first time under my chairmanship, I said that I had three goals for the subcommittee: To force policies into the open and subject them to informed scrutiny; to provide a platform for people, both supporters and critics of American policy, to express their opinions; and to make the voice of Congress heard in the formulation of foreign policy as was intended by the Constitution of the United States.

I believe that with the cooperation of all the members, Republicans and Democrats alike, we have done that. We certainly had an active subcommittee. We have heard from an enormously wide spectrum of views with respect to American interests and policies, consistently presented a forum for the administration to explain its perspective on American policy, and we have offered an opportunity for nongovernmental experts who are supporters of administration policy, as well as critics of administration policies, to hear and register their view.

Again, I want to thank my colleagues for their contributions. We haven't always agreed; in fact, I think one could say there have been many times in which we haven't. But I think it is also obvious that all of us have worked to do what we believe to be best for our Nation, and more often than not we have been able to do so in a spirit that recognized each of us was coming to the issues with that perspective.

I also want to take just a moment to say what a tremendous privilege it has been for me to work with the enormously professional staff of the Foreign Affairs Committee, and particularly of this subcommittee. I have never had the opportunity to work with more able and more dedicated people than members of the staff of this subcommittee. They work ridiculous hours at compensation that is nowhere near what they deserve. They are true patriots who love this country and want to see it do what is right.

It has just been a great privilege to work with them, as well as my colleagues on both sides of the aisle, for the last 6 years.

Before we recognize our first witness this afternoon to begin our discussion of the downing of the U.S. plane, which is the subject of the hearing this afternoon, I want to recognize the ranking minority member, Mr. Lagomarsino, with whom I have had the privilege of serving over these past years, for any statement he may wish to make at the outset of the hearing.

Mr. LAGOMARSINO. Mr. Chairman, thank you.

Just very briefly, I want to say that while we have not always agreed—in fact, I suppose on this particular subcommittee we have disagreed more than we have agreed—it is true, as you pointed out, that you have for the most part extended to us every courtesy, let us have the witnesses that we desired before the subcommittee, and have cooperated to that extent.

We will miss your chairing this subcommittee, I think, and we do wish you well in the future, Mr. Chairman. And it is true this subcommittee has certainly—it is an understatement—has been very

active, has certainly examined all the issues that have come before us.

I might say that I understand what you said, contrary to what some might think, that the idea for this committee hearing today was not yours, but indeed was the Speaker's.

Mr. BARNES. Thank you very much, Mr. Lagomarsino.

Any other colleagues have opening statements?

The gentleman from Massachusetts.

Mr. STUDDS. I won't embarrass you or delay the proceedings unduly, but I want to take this opportunity to express my appreciation of your work in this chairmanship. You inherited the "hot seat," by any definition, and I think you have conducted yourself and the affairs of this committee with great dignity, with great fairness.

To echo the ranking minority member, you have, if anything, erred on the side of fairness. You have done a superb job.

I also would like to echo, from someone to whom they are not directly responsible, your words of praise for the professional staff of this subcommittee. It has been extraordinary, I think far above and beyond the average, and it is something for which Members and citizens may not be fully aware but for which we are all very much in debt.

You have, at least from the perspective of this Member, waved a lonely flag from time to time, at least from the point of view of those of us, while in the majority in this House and on this subcommittee, who are in the minority in this city on this subject at this time.

From our perspective, you have manned an outpost of sanity in a world increasingly gone somewhat mad. And I have great respect and appreciation for that. And, besides, I think Members on both sides of the aisle will concur in saying were it not for your stewardship, Central America would not be the bastion of peace and tranquility that it now is.

Mr. BARNES. After what I have done for Central America, it is a good thing I wasn't in charge of the Middle East.

If there are no further statements, we will welcome the distinguished Assistant Secretary of State, yet again, to the subcommittee.

You thought you weren't going to have to come up here again in this Congress. So did I. But we appreciate your being here this afternoon to present the administration's perspective on the downing of the United States plane in Nicaragua and the involvement of the United States in the Contra war, which is the subject matter of the hearing this afternoon.

We welcome your testimony.

STATEMENT OF HON. ELLIOTT ABRAMS, ASSISTANT SECRETARY FOR INTER-AMERICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. ABRAMS. Thank you, Mr. Chairman.

UPDATE ON THE EARTHQUAKE IN EL SALVADOR

I thought, with your permission, I would start, if I might, by taking a moment to bring you up to date on the situation in El Sal-

vador where, as you know, on Friday they suffered a devastating earthquake, first to tell you, as you may know, Secretary of State Shultz will be going to El Salvador tomorrow with some Members of Congress, I believe, and some members of the diplomatic community, both as an expression of solidarity and so that he can personally try to take a look at the damage and begin to think about what we might be able to contribute.

As you know, there was enormous devastation, and it really does raise the danger that some of the more significant gains of the last few years could be, in a sense, wiped out by the economic and social dislocation that that earthquake has already caused.

On the other hand, if the Government of El Salvador handles it well, it will be demonstrating to its citizens that it is an effective government and that that new democratic system can meet the needs of the people.

I think all of us have seen on television and in the newspapers the kind of damage that has taken place. There were a significant number of people killed, or injured in the city's hospitals; at least 30 public schools were damaged. People are still, in fact, being rescued from crumbling buildings. President Duarte's estimate was about 900 people killed, 2,000 injured, and 250,000 homeless. There are other estimates quite far above that.

A preliminary estimate of the damage, of the cost of repairing the damage, was \$2 billion.

I should also note, aftershocks are continuing. There was one—it was either very late yesterday or early this morning—of about 4, roughly, on the Richter scale.

President Duarte responded to the earthquake by declaring a state of emergency and starting to request assistance from the international community. The government has a national emergency committee directing the rescue and relief operations. A number of committees have been formed by the President, composed of the government and involving the private sector and various other organizations such as labor unions, political parties, the Red Cross.

U.S. ASSISTANCE TO EL SALVADOR

We have sent personnel and equipment focusing initially on pulling people out of buildings. We have sent materials for emergency shelters and emergency medical aid. Twelve other governments and the United Nations have sent relief items, and there is a lot coming in from private groups around the world, too. That is for the short term, the initial crisis.

The longer term will be more difficult. There will be a massive reconstruction effort needed. About 20 square blocks in downtown San Salvador have been destroyed. I mentioned before the hospitals, and that is a particularly grievous loss. In many cases, homes that were destroyed were the adobe and mud structures of some of the poorest people of San Salvador. There was great damage to the utility infrastructure, water, telephone, electricity. Much of that is in the process of being restored.

All of this will, of course, make President Duarte's struggle to consolidate democratic institutions in El Salvador more difficult. All of our economic assistance has, in a sense, kept even with the

damage to the economy caused by the war, by the guerrillas, and more is going to be needed.

\$50 MILLION IN EMERGENCY DISASTER RELIEF

The President asked for—and I believe the conference last night approved—\$50 million in emergency disaster relief for El Salvador, disaster and reconstruction relief. That is a first payment. And we will be back next year when we have a better sense, when Congress returns, and we have a more exact sense of the kind of reconstruction efforts needed and what the American role might be. We will be back with that assessment of damage and with a further request for assistance, which I hope we will have the subcommittee's wholehearted support on.

The Government of El Salvador has also been in contact with United States and other potential donors as well as with the international financial institutions, and we anticipate that as the international community has come forward with emergency disaster assistance, so it will give El Salvador the aid it needs to rebuild.

THE STATUS OF EUGENE HASENFUS

Now, let me turn to Mr. Hasenfus and his situation. Today, Mr. Hasenfus remains under detention in Managua. His wife, who spent almost a week in Managua, was permitted to see her husband once for approximately 45 seconds, and that meeting itself was attended by Sandinista officials and open to the press. The U.S. Embassy has been permitted one 11-minute meeting with Mr. Hasenfus and, like his wife, has not been permitted to see him again.

The Communist regime is apparently trying to decide now which form of kangaroo court will try him. The U.S. Embassy will continue to insist on its right to consular access to Mr. Hasenfus. We deeply regret the inhumane treatment of Mrs. Hasenfus and deplore the fact that she was not permitted to see her husband during her entire stay in Managua except for that one encounter, which was on camera and in the company of the chief of the Sandinistas' secret police, Lenin Cerna.

I am happy to reiterate once again that the flight in which Mr. Hasenfus took part was a private initiative. It was not organized, directed, or financed by the U.S. Government. I am happy to reiterate that I consider Mr. Hasenfus, and his associates—the late Mr. Cooper and Mr. Sawyer—to be brave men engaged in the task of helping the people of Nicaragua in their struggle for freedom.

Many private citizens have come forward to help in that struggle for freedom. I do not know who they are, any more than I know the identity of the Americans who are helping the Communist regime in Nicaragua. Americans are free to support either side in Central America, and it is not a legitimate task of the U.S. Government to track down who is contributing what to whom, so long as U.S. laws, including the Neutrality Acts, are obeyed.

Let us never forget the background in which we are meeting here today. In Managua, the Soviet Union and Cuba are attempting to establish a new Cuba, a new Communist base on the mainland of the Americas. The people of Nicaragua are resisting; and

bipartisan majorities in both Chambers of Congress have voted to provide them the assistance they need to free themselves from this brutal Communist dictatorship.

PRIVATE CITIZENS AIDING THE CONTRAS

Private citizens who lawfully aid the Nicaraguan democratic resistance forces are, in a sense, only doing what both Houses of Congress have already said they wish to do, and will do within a matter of days. When private American citizens assist the Nicaraguan people in their struggle for liberty, we should thank them, and I am happy to do so today.

Thank you.

[The prepared statement of Mr. Abrams follows:]

PREPARED STATEMENT OF ELLIOTT ABRAMS, ASSISTANT SECRETARY OF STATE FOR
INTER-AMERICAN AFFAIRS

BEFORE BEGINNING MY TESTIMONY ON PRIVATE ASSISTANCE
ACTIVITIES TO THE NICARAGUAN RESISTANCE FORCES, I WOULD LIKE TO
TAKE A FEW MOMENTS TO BRING YOU UP TO DATE ON THE SITUATION IN
EL SALVADOR.

THE DEVASTATING EARTHQUAKE THAT STRUCK SAN SALVADOR LAST
FRIDAY REPRESENTS BOTH A DANGER AND AN OPPORTUNITY TO THAT
FRAGILE DEMOCRACY. THE DANGER IS THAT THE SIGNIFICANT GAINS OF
THE LAST SEVERAL YEARS MAY BE WIPED OUT BY THE ENORMOUS
ECONOMIC AND SOCIAL DISLOCATION CAUSED BY THE EARTHQUAKE. THE
OPPORTUNITY IS THAT BY EFFECTIVELY COPING WITH THE CRISIS, THE
SALVADORAN GOVERNMENT IS DEMONSTRATING TO ITS CITIZENS -- AND
TO THE WORLD -- THAT THE DEMOCRATIC SYSTEM CAN MEET THE NEEDS
OF ITS PEOPLE.

THE SCENES AROUND THE CITY OF SAN SALVADOR ARE BOTH
HEARTRENDING AND ENCOURAGING. SCHOOL CHILDREN AND HOSPITAL
PATIENTS -- MANY OF THEM AMPUTEE VICTIMS OF GUERRILLA LANDMINES
-- WERE KILLED AND INJURED IN THE EARTHQUAKE WHICH DESTROYED OR
DAMAGED MOST OF THE CITY'S HOSPITALS AND AT LEAST 30 OF ITS
SCHOOLS. PEOPLE ARE STILL BEING RESCUED FROM CRUMBLING RUINS
WITH THE ASSISTANCE OF U.S. AND INTERNATIONAL TEAMS.

AS YOU KNOW, SECRETARY SHULTZ WILL VISIT EL SALVADOR TOMORROW TO EXPRESS OUR SOLIDARITY WITH THE PEOPLE OF THAT NATION AND TO MAKE A FIRST-HAND ASSESSMENT.

PRESIDENT DUARTE, AFTER SURVIVING SEVERE DAMAGE TO THE PRESIDENTIAL PALACE, WENT IMMEDIATELY OUT TO SURVEY THE DAMAGE. HE FOUND THAT MORE THAN 900 PERSONS HAD BEEN KILLED, TWO THOUSAND INJURED, AND AT LEAST 25,000 WERE HOMELESS.

THE COST OF REPAIRING DESTROYED INFRASTRUCTURE, HOUSING, AND COMMERCIAL AND GOVERNMENT BUILDINGS MAY APPROACH TWO BILLION DOLLARS, ACCORDING TO RELIABLE PRELIMINARY ESTIMATES. THE SAN SALVADOR AREA CONTINUES TO BE ROCKED BY AFTERSHOCKS OF VARYING INTENSITY SINCE THE INITIAL TREMOR STRUCK LAST FRIDAY, LEAVING TENS OF THOUSANDS OF PEOPLE AFRAID TO RETURN TO THEIR HOMES.

THE GOVERNMENT AND PEOPLE OF EL SALVADOR HAVE RESPONDED COURAGEOUSLY TO THIS CHALLENGE. PRESIDENT DUARTE HAS DECLARED A STATE OF EMERGENCY AND HAS FORMALLY REQUESTED ASSISTANCE FROM INTERNATIONAL DONORS. THE GOVERNMENT'S NATIONAL EMERGENCY COMMITTEE IS DIRECTING RESCUE AND RELIEF OPERATIONS. TO OVERSEE THE RECEIPT AND DISTRIBUTION OF RELIEF SUPPLIES AND TO MINIMIZE THE POSSIBILITIES FOR THEIR MISUSE, PRESIDENT DUARTE HAS ORDERED THE FORMATION OF SEVERAL COMMITTEES COMPOSED OF GOVERNMENT AND PRIVATE SECTOR REPRESENTATIVES. POLITICAL

PARTIES, LABOR UNIONS, AND PRIVATE SECTOR ORGANIZATIONS HAVE ALL PITCHED IN TO SUPPLEMENT THE GOVERNMENT'S RELIEF EFFORTS. THE SALVADORAN RED CROSS HAS PUT OVER 400 VOLUNTEERS TO WORK IN PROVIDING RELIEF SERVICES.

OUR OWN EFFORTS HAVE FOCUSED ON PROVIDING PERSONNEL AND EQUIPMENT TO RESCUE VICTIMS IN COLLAPSED BUILDINGS, MATERIALS FOR EMERGENCY SHELTERS, AND EMERGENCY MEDICAL AID FOR THE INJURED. TWELVE OTHER GOVERNMENTS AND THE UNITED NATIONS HAVE SENT RELIEF ITEMS AND PERSONNEL TO AMELIORATE THE IMMEDIATE EFFECTS OF THE DISASTER. OFFICIAL AID HAS BEEN SUPPLEMENTED BY PRIVATE DONATIONS FROM NUMEROUS GROUPS FROM AROUND THE WORLD. WE ARE CONFIDENT THAT THE SALVADORANS, WITH INTERNATIONAL ASSISTANCE, WILL OVERCOME THE INITIAL CRISIS.

THE LONGER TERM WILL, HOWEVER, REQUIRE A MASSIVE RECONSTRUCTION EFFORT. AT LEAST THREE OF THE CITY'S SEVEN HOSPITALS WERE DESTROYED AND FOUR OTHERS WERE HEAVILY DAMAGED. AT LEAST 20 SQUARE BLOCKS IN DOWNTOWN SAN SALVADOR HAVE BEEN VIRTUALLY DESTROYED. MANY OF THE DAMAGED AND DESTROYED HOMES WERE THE ADOBE AND MUD STRUCTURES OCCUPIED BY THE POOR. THIRTY PUBLIC SCHOOLS WERE DAMAGED. ELECTRICAL, TELEPHONE, AND WATER SUPPLY SYSTEMS IN CENTRAL SAN SALVADOR SUFFERED SIGNIFICANT DAMAGE AS DID THE INDUSTRIAL SECTOR OF THE CITY.

THE DAMAGE TO SAN SALVADOR AND THE COUNTRY'S ECONOMY WILL MAKE PRESIDENT DUARTE'S STRUGGLE TO CONSOLIDATE DEMOCRATIC INSTITUTIONS MORE DIFFICULT. VIRTUALLY ALL OF OUR ECONOMIC ASSISTANCE OVER THE PAST SEVEN YEARS HAS NO MORE THAN KEPT EVEN WITH THE DAMAGE TO THE ECONOMY CAUSED BY THE GUERRILLAS. NOTWITHSTANDING THE FMLN'S POLITICALLY EXPEDIENT DECLARATION OF A TRUCE IN THE WAKE OF THE EARTHQUAKE, THEY STAND TO GAIN ENORMOUSLY IF WE DO NOT ACT TO HELP THE SALVADORANS' REBUILD THEIR CITY AND THEIR ECONOMY.

OVER THE PAST FIVE YEARS, THE FOCUS OF OUR ECONOMIC ASSISTANCE PROGRAM HAS BEEN TO STABILIZE THE SLIDE IN THE SALVADORAN ECONOMY CAUSED BY THE GUERRILLA WAR AND FLUCTUATIONS IN THE WORLD ECONOMY, PROMOTE THE STRUCTURAL REFORMS NECESSARY FOR SUSTAINED ECONOMIC GROWTH, AND LAY THE GROUNDWORK FOR BROADENING THE BENEFITS OF THAT ECONOMIC GROWTH. THE IMMEDIATE EFFECT OF THE EARTHQUAKE IS TO ENDANGER THE SUBSTANTIAL PROGRESS THAT HAS BEEN MADE IN ACHIEVING THESE GOALS. FACING AN ENORMOUS FISCAL DEFICIT THAT IS EXACERBATED BY THE NEED TO DIVERT SCARCE PUBLIC SECTOR FUNDS TO FIGHTING THE GUERRILLA WAR, THE GOVERNMENT OF EL SALVADOR CANNOT BEGIN TO COPE WITH THE FINANCIAL DEMANDS PLACED UPON IT BY THIS UNEXPECTED EMERGENCY. OUR HELP IS VITAL. THE PRESIDENT HAS THEREFORE ASKED THAT CONGRESS ACT IMMEDIATELY TO PROVIDE \$50 MILLION IN

INITIAL DISASTER RELIEF AND RECONSTRUCTION AND TO EL SALVADOR TO ENSURE THAT THE GAINS OF THE LAST SEVERAL YEARS NOT BE ENDANGERED AND THAT THIS FRAGILE DEMOCRACY -- WHICH BY ALL ACCOUNTS HAS ACTED MAGNIFICENTLY ON BEHALF OF ITS PEOPLE DURING THIS CRISIS -- BE PROVIDED ALL THE HELP WE CAN GIVE. WHEN CONGRESS RETURNS, WE WILL BE BACK WITH OUR ASSESSMENT OF THE DAMAGE AND A FURTHER REQUEST FOR ASSISTANCE WHICH I HOPE WILL HAVE THE SUBCOMMITTEE'S WHOLEHEARTED SUPPORT. THE GOVERNMENT OF EL SALVADOR HAS BEEN IN CONTACT WITH U.S. AND OTHER POTENTIAL DONORS AS WELL AS WITH THE INTERNATIONAL FINANCIAL INSTITUTIONS AND WE ANTICIPATE THAT AS THE INTERNATIONAL COMMUNITY HAS COME FORWARD WITH EMERGENCY DISASTER ASSISTANCE, SO IT WILL GIVE EL SALVADOR THE AID IT NEEDS TO REBUILD.

/

NOW, LET ME TURN TO MR. HASENFUS AND HIS SITUATION. TODAY, MR. HASENFUS REMAINS UNDER DETENTION IN MANAGUA. HIS WIFE, WHO SPENT ALMOST A WEEK IN MANAGUA, WAS PERMITTED TO SEE HER HUSBAND ONCE FOR APPROXIMATELY 45 SECONDS, AND THAT MEETING ITSELF WAS ATTENDED BY SANDINISTA OFFICIALS AND OPEN TO THE PRESS. THE U.S. EMBASSY HAS BEEN PERMITTED ONE 11 MINUTE MEETING WITH MR. HASENFUS AND, LIKE HIS WIFE, HAS NOT BEEN PERMITTED TO SEE HIM AGAIN. THE COMMUNIST REGIME IS APPARENTLY TRYING TO DECIDE NOW WHICH FORM OF KANGAROO COURT WILL TRY

HIM. THE U.S. EMBASSY WILL CONTINUE TO INSIST ON ITS RIGHT TO CONSULAR ACCESS TO MR. HASENFUS. WE DEEPLY REGRET THE INHUMANE TREATMENT OF MRS. HASENFUS AND DEPLORE THE FACT THAT SHE WAS NOT PERMITTED TO SEE HER HUSBAND DURING HER ENTIRE STAY IN MANAGUA EXCEPT FOR THAT ONE ENCOUNTER, WHICH WAS ON CAMERA AND IN THE COMPANY OF THE CHIEF OF THE SANDINISTAS' SECRET POLICE, LENIN CERNA.

I AM HAPPY TO REITERATE ONCE AGAIN THAT THE FLIGHT IN WHICH MR. HASENFUS TOOK PART WAS A PRIVATE INITIATIVE. IT WAS NOT ORGANIZED, DIRECTED, OR FINANCED BY THE U.S. GOVERNMENT. I AM HAPPY TO REITERATE THAT I CONSIDER MR. HASENFUS, AND HIS ASSOCIATES THE LATE MR. COOPER AND MR. SAWYER, TO BE BRAVE MEN ENGAGED IN THE TASK OF HELPING THE PEOPLE OF NICARAGUA IN THEIR STRUGGLE FOR FREEDOM. MANY PRIVATE CITIZENS HAVE COME FORWARD TO HELP IN THAT STRUGGLE FOR FREEDOM. I DO NOT KNOW WHO THEY ARE, ANY MORE THAN I KNOW THE IDENTITY OF THE AMERICANS WHO ARE HELPING THE COMMUNIST REGIME IN NICARAGUA. AMERICANS ARE FREE TO SUPPORT EITHER SIDE IN CENTRAL AMERICA, AND IT IS NOT A LEGITIMATE TASK OF THE US GOVERNMENT TO TRACK DOWN WHO IS CONTRIBUTING WHAT TO WHOM, SO LONG AS U.S. LAWS, INCLUDING THE NEUTRALITY ACTS, ARE OBEYED.

LET US NEVER FORGET THE BACKGROUND IN WHICH WE ARE MEETING HERE TODAY. IN MANAGUA, THE SOVIET UNION AND CUBA ARE ATTEMPTING TO ESTABLISH A NEW CUBA, A NEW COMMUNIST BASE ON THE MAINLAND OF THE AMERICAS. THE PEOPLE OF NICARAGUA ARE RESISTING: AND BIPARTISAN MAJORITIES IN BOTH CHAMBERS OF CONGRESS HAVE VOTED TO PROVIDE THEM THE ASSISTANCE THEY NEED TO FREE THEMSELVES FROM THIS BRUTAL COMMUNIST DICTATORSHIP. PRIVATE CITIZENS WHO LAWFULLY AID THE NICARAGUAN DEMOCRATIC RESISTANCE FORCES ARE IN A SENSE ONLY DOING WHAT BOTH HOUSES OF CONGRESS HAVE ALREADY SAID THEY WISH TO DO, AND WILL DO WITHIN A MATTER OF DAYS. WHEN PRIVATE AMERICAN CITIZENS ASSIST THE NICARAGUAN PEOPLE IN THEIR STRUGGLE FOR LIBERTY WE SHOULD THANK THEM, AND I AM HAPPY TO DO SO TODAY.

MOTION TO MOVE INTO EXECUTIVE SESSION

Mr. HYDE. Mr. Chairman, just a point of inquiry. I don't want to interrupt the Secretary.

I have been looking through this material, and I wonder if the Chair would entertain a motion we go into executive session. I will tell you why.

An American citizen is being held in Nicaragua; he will be put on trial. We don't know what kind of court or hearing he will get. But I think some of the material in here, having read the statements of some of the witnesses, might well be harmful, impact in a negative way on that trial, on one of our citizens.

While I know we are interested in getting to the bottom of this—and I might add that the Intelligence Committee in the House had a lengthy hearing on it yesterday—although we didn't hear from some of the witnesses who will testify today, we heard from all of the relevant governmental agencies, and I am reluctant to have this subcommittee get anything on the record that could be used in the trial down there against one of our citizens.

So, weighing that as against whatever other considerations prompt this hearing, I would ask the Chair if he would entertain a motion that—and I should have made it at the outset but I, frankly, hadn't read Mr. Abrams' statement; I was reading the other one—I just hate to see this material used in a trial against one of our citizens down there. I think there is every likelihood it will be.

Mr. BARNES. Is there discussion by members of the gentleman's proposal?

Mr. LAGOMARSINO. Mr. Chairman, I think the gentleman from Illinois makes a good point, and not only with what he said but what I know he knows from the hearing yesterday before the Intelligence Committee. We have seen all too often—and it should be no surprise to you—that things that are said here are used by our adversaries in other countries.

I think the gentleman makes a very good suggestion. We could do incalculable harm if we are not careful. I would hope the committee would go into executive session.

Mr. BARNES. Let me just be clear on what the gentleman is proposing.

Is the gentleman from Illinois suggesting all the witnesses be heard in executive session, because we have private citizens who will not be discussing classified materials, and what they have prepared in advance is already public? That has been distributed not only to the gentleman, but to the media.

Mr. HYDE. I realize that. I have read the statement of Mr. White and I have read the statement of Daniel Sheehan, and I just am concerned that the press—I know the statements are a matter of public record and would be no news to anybody. It just seems to me that we confer legitimacy or a prestige value that enhances—I don't mean to be pejorative, but the dignity of these statements is elevated from a polemic to testimony before the committee.

I would hate to be defending Mr. Hasenfus down there and have some of this material shot at him that has a certain authority, since it is testimony before a subcommittee. I think we enhance its value, and I just think it is a very awkward time.

I don't want to harm the man's chances down there. And I don't want to be a party to anything that does. I haven't so moved.

Mr. BARNES. I understand. You are raising the issue for discussion.

Frankly, my thought had been it is conceivable the administration would not be able to answer some questions, and if we reach that point it might make sense to go into executive session.

But with respect to public witnesses who have no classified material available to them, whose testimony is going to be presented in any event—and it is already of the level of congressional testimony because it has been—

Mr. HYDE. I won't belabor the point, except Mr. Abrams is the lead-off witness, and I dare say he will leave—and I wouldn't blame him—when it is over. I am sure he has other things to do.

But there will be charges made that are very serious, and they will be unanswered and unrebutted, and I am not comfortable with it but I will abide by the wishes—and I don't care to make the motion unless there is some support from the majority for it.

Mr. BARNES. Mr. Burton.

Mr. BURTON. If the gentleman feels some reluctance to do so, I will so move we go into executive session.

Mr. BARNES. The gentleman from Indiana has moved the subcommittee go into executive session. I believe rollcall is required, and the motion is debatable.

The gentleman from Massachusetts is recognized.

Mr. STUDDS. Mr. Chairman, I am somewhat puzzled that the minority side would make such a motion. If the administration's ignorance of this affair is as total as it would have the Nation believe, then surely nothing will emerge from the administration's testimony that could be of interest, never mind damaging, to the trial which may occur in Nicaragua or to any other trial.

The gentleman is right; this is an awkward time. A question that has to be asked is: Awkward for whom? All Americans are concerned about the incarceration of a cocitizen. He is not our only incarcerated American around the world. I dare say, we would have had no hearings on the Middle East for the last decade if this had been a disqualifier for the public attention of the Congress.

There are others for whom this is an awkward moment. In the unlikely event we could get at the substance of matters here, the administration might find itself somewhat embarrassed. I am somewhat surprised at the lack of faith on the minority side that the administration cannot shield itself from such an inquiry.

I would have no objection, once we have done our ritualistic trial and failure to get information from the administration, to then going into closed session where we could once again fail to get that information.

I certainly yield to the gentleman.

Mr. HYDE. I would like to ask the chairman: Was anyone from the CIA asked to testify today?

Mr. STUDDS. Surely the gentleman jests.

Mr. HYDE. No, I do not jest.

Was anyone from the agency that will be most charged with malfeasance, nonfeasance and misfeasance—was anyone invited from the CIA to testify today, Mr. Barnes?

Mr. BARNES. The Central Intelligence Agency was not invited. The Defense Department—

Mr. HYDE. The Defense Department was?

But it is the CIA who will be charged here today.

Mr. STUDDS. Does the gentleman know something we don't?

Mr. HYDE. I think so. I have read the statements.

Mr. BURTON. I talked to the Director of the CIA before this meeting, and he assured me in no uncertain terms the CIA was definitely not involved.

Mr. STUDDS. That settles that.

Mr. BURTON. It certainly does.

Mr. HYDE. We can go ahead. Of course, the gentleman has moved. I am not comfortable with handing any weapons or assets to the Sandinistas to use against a citizen. And the fact is, anybody who has talked to the CIA knows they have denied any connection with this, and that is up and down the line. And poor Mr. Hasenfus has said differently, but he is in extreme duress.

I just lay it out for the committee's consideration. Interesting as these hearings are, and politically valuable as they are to some Members, I don't think it is worth putting Mr. Hasenfus in a deeper hole than he is in now. That is all.

Mr. STUDDS. The gentleman is a member, I believe, of the Intelligence Committee, so he is more fully informed than the rest of us mortals to the extent of the administration's ignorance on these matters, and feels free to share in part the assurance of the agency they were not involved in this and, I assume, knew absolutely nothing about it.

It will be a matter of minutes before Mr. Abrams will assure us his department knows absolutely nothing about it, as well. And I don't see how that will hurt Mr. Hasenfus.

If I were a supporter of this administration's policy in Central America, I would move that this and every other session, especially in the next 3 weeks, be closed.

Mr. HYDE. The gentleman's position is clear, and mine is clear.

Mr. STUDDS. I think it would be a mistake, Mr. Chairman, at least initially. Once we have our best efforts to converse with Mr. Abrams on the record, if he then has time to repeat those answers off the record I think that would be fine with me.

Mr. BARNES. My personal view—and the subcommittee will vote on it—is it would make sense to hear Mr. Abrams' responses to those questions he can answer in public. Secretary Abrams is no stranger to telling us when he can't tell us something in public session. We have been through that any number of occasions.

Mr. KOSTMAYER. Mr. Chairman?

Mr. BARNES. The gentleman from Pennsylvania.

Mr. KOSTMAYER. If we might ask Mr. Abrams, is there anything you can't tell us?

Mr. ABRAMS. Respecting the distinction between the Intelligence Committee and other committees, I can certainly envision questions which I would not wish to answer in this forum.

Mr. KOSTMAYER. Would you answer those questions in a closed forum?

Mr. ABRAMS. I answered a whole lot of questions yesterday at the Intelligence Committee.

You raised a different question, which is a more complicated one: The distinction between the Intelligence Committee and other committees, a question on which members of the Intelligence Committee and Foreign Affairs Committee sometimes differ among themselves. But I don't know what precisely the questions will be.

Mr. BARNES. Is there further discussion of the motion?

If not, the question occurs on the motion of the gentleman from Indiana that the subcommittee meet in executive session.

A rollcall is required on this motion. The staff director of the subcommittee will read the roll.

Mr. JOHNSON. Mr. Barnes.

Mr. BARNES. No.

Mr. JOHNSON. Mr. Studds.

Mr. STUDDS. No.

Mr. JOHNSON. Mr. Kostmayer.

Mr. KOSTMAYER. No.

Mr. JOHNSON. Mr. Dymally.

[No response.]

Mr. JOHNSON. Mr. Weiss.

[No response.]

Mr. JOHNSON. Mr. MacKay.

Mr. MACKAY. No.

Mr. JOHNSON. Mr. Reid.

[No response.]

Mr. JOHNSON. Mr. Lagomarsino.

Mr. LAGOMARSINO. Aye.

Mr. JOHNSON. Mr. DeWine.

Mr. DEWINE. Aye.

Mr. JOHNSON. Mr. Burton.

Mr. BURTON. Aye.

Mr. JOHNSON. Mr. McCain.

Mr. MCCAIN. Aye.

Mr. JOHNSON. Mr. Hyde.

Mr. HYDE. Aye.

Mr. BARNES. By a vote of 5 to 4, the subcommittee will meet in executive session, at least for the moment. We would ask the room to be cleared of those who do not have appropriate clearances.

[Whereupon, at 2:55 p.m., the subcommittee recessed and proceeded in executive session.]

[Whereupon, at 3:40 p.m., the subcommittee resumed in open session.]

Mr. BARNES. Ladies and gentlemen, the subcommittee will be in order.

In order to accommodate the interests of the members in asking questions, and because we have additional witnesses to hear from, we will try to keep relatively close to the 5-minute rule this afternoon.

Mr. Secretary, you indicated this is not a governmentally financed operation that terminated with the shooting down of a plane in Nicaragua. Who did sponsor it? Administration sources initially indicated General Singlaub was responsible for the flight, but he has denied it. Do you know whether he was or wasn't? If not, why did the administration initially indicate he was? Was

there just a misunderstanding? And, more importantly, who did pay for this flight?

Mr. ABRAMS. First of all, I know of no administration official who gave credit for this to General Singlaub. I read in the newspaper that somebody did, but I have been unable to determine whether that is true or not, or who that might be. Certainly, there is no indication in any information I have ever seen that General Singlaub deserves credit for it.

He, himself, says he had nothing to do with this flight. He has said it to me personally as well as saying it publicly. And I have never known him to say anything that was not true. So I take him at his word.

To answer your other question, I don't know who paid for this activity. We don't, as I noted in the testimony, keep track of the activities of private citizens for or against freedom fighters, and I don't know who paid for it.

Mr. BARNES. Are you curious as to who did?

Mr. ABRAMS. Sure, I am curious. But I don't think it is an appropriate activity for a Government official to be, in a sense, violating the privacy of American citizens to support whichever side they are on in Central America.

USE OF ILOPANGO AIR BASE IN EL SALVADOR

Mr. BARNES. To your knowledge, did the flight go in or out of Ilopango Air Base in El Salvador, as has been widely reported?

Mr. ABRAMS. I think Mr. Hyde alluded to this, but I think it is worth repeating, too. We don't know what Mr. Hasenfus thinks, because he is not in a position to speak——

Mr. BARNES. I understand that. He is reported to have publicly said it.

Mr. ABRAMS. I don't know if that was coerced or whatever. He was reported to have said that.

Mr. BARNES. Do you know whether it did or not?

Mr. ABRAMS. The Sandinistas have made lots of allegations about involvement of other countries, and I would not address any of those questions relating to third countries in an open hearing.

Mr. BARNES. So you will not answer in an open hearing the question of whether or not the plane operated in or out of Ilopango?

Mr. ABRAMS. Or out of Honduras, Panama, Colombia, Mexico. It isn't appropriate to address that.

Mr. BARNES. If it had operated in or out of Ilopango, the United States would know about it and would have had information about it. Am I right in assuming that?

Mr. ABRAMS. Your question calls upon me to discuss potentially what U.S. intelligence information is available. I can't discuss that. I am not so sure I can discuss it at a closed hearing, either.

Mr. BARNES. Is this merely a matter of intelligence? Isn't it also really a matter of relationship of the United States' defense officials with Salvadoran defense officials? It is a Salvadoran air base. I have been there. You have been there. It is run by the military in cooperation with our military, American military advisers, financed, I would assume, certainly in large measure with American tax dollars.

Am I wrong in assuming that if there were operations assisting the contras flying in and out of there, we would know about it?

Mr. ABRAMS. I don't know whether you are right or wrong. In an open hearing, I would not address that question at all.

I will say that no American intelligence or defense or any other kind of Government official was engaged in facilitating this flight or paying for it or directing it or anything like that.

Mr. BARNES. And you, to this day, still don't know who did pay for it?

Mr. ABRAMS. I do not know who paid for it.

Mr. BARNES. And you can assure the committee that none of the \$27 million that was appropriated last year for assistance to the contras was in any way involved in financing this flight?

Mr. ABRAMS. Yes. And that \$27 million is long gone. But, in any event, the answer to your question is, I can give you that assurance.

Mr. BARNES. Some of it is indeed long gone.

Mr. ABRAMS. I can find it, and the Intelligence Committee can find it. But that is a different question.

Mr. BARNES. The General Accounting Office couldn't find it.

Mr. ABRAMS. That is because they are not privy to certain intelligence information.

Mr. BARNES. That may be. That may be.

POSSIBLE VIOLATION OF THE NEUTRALITY ACT

Now, it is your judgment that whoever did sponsor this flight was not in violation of the Neutrality Act, as I read in your testimony.

Mr. ABRAMS. That is my judgment on the facts as I know them.

Mr. BARNES. The act reads: Whoever, within the United States, knowingly begins or sets foot—or sets a foot or provides or procures means for or furnishes money for or takes part in any military or naval expedition or enterprise to be carried on against the dominion of any foreign state, district or people for whom the United States is at peace, shall be fined, et cetera, imprisoned, et cetera. And it is your judgment that that law was not violated, although you don't know who did it or where the money came from.

Mr. ABRAMS. In all of this private activity, the question arises of how the neutrality laws apply; no question about that.

I think the neutrality laws were never designed to prevent people from leaving the United States to fight in a cause in which they believed. There is nothing in the neutrality laws which prevents refugees from returning to that country to engage in the fight for freedom, nor is an individual prohibited from departing from the United States with people with like belief to join people in a—there is nothing criminal in an individual leaving the United States with the intent of joining an insurgent group. There is nothing criminal in several persons departing at the same time.

What the law does prohibit is a group organized as a military expedition from departing from the United States to take action as a military force against a nation with whom the United States is at peace. That is the opinion of Robert Kennedy stated to the press in 1961, and that is my view of the neutrality laws.

Mr. BARNES. You, said you personally, don't know who financed or organized this. How do you know that this is not a violation of the Neutrality Act?

Mr. ABRAMS. If it is, and facts come forward to that effect, anyone engaged in the violation of that act or any other act should be prosecuted, but no evidence has yet come forward. Neither to me, as an official, nor I think in the newspapers.

Mr. BARNES. Is the Department of Justice trying to find out who did it and under what circumstances?

Mr. ABRAMS. I don't believe they have the basis to launch an investigation unless there is some kind of probable cause, a violation of law. I don't think the Justice Department should be investigating any time anybody does anything on behalf of the Sandinistas, or against them.

I don't think that is appropriate.

Mr. BARNES. You had recently prosecuted individuals for acts relating to Haiti and Suriname under the act, but what was the distinction there?

Mr. ABRAMS. Let me ask Michael Kozak of the State Department, who I asked to come up here today.

Mr. KOZAK. The distinction there was in those cases, there was evidence that the expedition was being assembled to depart from the United States against those countries. Thus far, we don't have any information that would indicate that there was any involvement of U.S. territory in this event.

Mr. BARNES. We don't know where the money comes from or who did it.

Mr. KOZAK. If you read the statute, it speaks in terms of embarking an expedition from thence, "thence" referring back to the United States, and so the financing has to be financing related to an expedition from the U.S. territory, and financing an expedition that embarks from some overseas territory is not within the scope of the statute.

Mr. BARNES. The Chair recognizes the gentleman from California.

Mr. LAGOMARSINO. Thank you, Mr. Chairman.

Mr. Secretary, are you familiar with the article that appeared in the Washington Times on October 13 of this year, entitled "U.S. Citizens Also Aid Marxist Sandinistas?" Did you read that?

Mr. ABRAMS. I did not read that article.

Mr. LAGOMARSINO. You were quoted in the article. The article says thousands of Americans may be in Nicaragua supporting a Marxist Sandinista government, and cites the majority leader in the Senate saying that, and it quotes you as saying:

We do not follow and find out the ideas of the thousands of Americans who help the Liberation Front guerrillas in El Salvador, or the Communist regime in Nicaragua, because they have a right to do so as Americans.

Are you familiar with that statement?

Mr. ABRAMS. Yes.

Mr. LAGOMARSINO. Is that indeed the case, that we don't know who finances them or who supports them?

Mr. ABRAMS. Unless people volunteer to the press that information, the activity appears to be lawful, and I think it would be

wrong to launch all sorts of investigations of this lawful activity of American citizens.

The activity of supporting the Communist regime in Nicaragua is terrible, but it seems to be lawful, so on what basis would we have people go investigate?

Mr. LAGOMARSINO. Mr. Chairman, I ask that this article be inserted in the record at this point.

Mr. BARNES. Without objection.

[The information follows:]

[By the Washington Times, Oct. 13, 1986]

U.S. CITIZENS ALSO AID MARXIST SANDINISTAS

(By Bill Gertz)

Thousands of Americans may be in Nicaragua supporting the Marxist Sandinista government. Sen. Robert Dole of Kansas, the majority leader in the Senate, says the capture in Nicaragua of Eugene Hasenfus, an American aboard a privately owned Lockheed C-123 cargo plane downed Oct. 5, has overshadowed the much larger private American participation in the Nicaraguan civil war.

Scant attention is being paid to American leftist sympathizers in Central America, Mr. Dole told the Senate on Friday.

"There seems to be so much hue and cry about Mr. Hasenfus—people raising the Neutrality Act and who knows what else—that may be it's time that we focused some attention on the broader question of private American involved down there on both side of that conflict," Mr. Dole said.

Sen. Richard Lugar of Indiana, chairman of the Foreign Relations Committee, agrees. He said he believes "Americans for both sides are down in Nicaragua," according to a Lugar aide.

Both Mr. Dole and Mr. Lugar said the passage of the \$500 billion government spending bill, which contains provisions for \$100 million in aid to the Nicaraguan rebels, would help end private support for the resistance.

An aide to Mr. Dole said the senator was told by State Department and CIA officials thousands of Americans are supporting Marxist guerrillas in El Salvador and the Sandinista government in Nicaragua.

"There are literally thousands of Americans working in the Sandinista government, some as advisers," said the aide, who declined to be named. "Most are probably legitimate, but if any of them are breaking the law, they should be prosecuted."

The Sandinista government ordered foreign supporters to leave combat zones in Nicaragua in September following the death of three Western Europeans killed in a shootout with rebel forces July 28.

Nicaraguan rebel leaders later disclosed documents captured from the three men—Swiss, West German and French nationals—revealing they had been permitted by the Sandinistas to carry automatic weapons.

Mr. Lugar's comments were made following a briefing on the capture of Mr. Hasenfus, who was taken by Sandinista forces when a camouflaged C-123 plane on which he was a passenger went down in southern Nicaragua. The plane was reportedly laden with arms for the Nicaraguan rebels.

Sandinista officials said Mr. Hasenfus, who spoke briefly with a U.S. Embassy official for the first time over the weekend, will be tried for his role in assisting the Nicaraguan rebels.

Mr. Lugar said he had no reason to doubt U.S. officials who repeated earlier denials of official U.S. connection to the plane.

In contrast to remarks by the Republican leaders, Sen. Patrick Leahy yesterday charged the Reagan administration may have illegally aided the Nicaraguan rebels. He said Congress has not been fully briefed by the administration on official backing of private groups aiding the rebels.

Mr. Leahy, Vermont Democrat and vice chairman of the Senate Intelligence Committee, told reporters in a telephone interview from Vermont: "I don't think we've had adequate answers [about] whether the administration was involved with more than verbal encouragement of these people."

"The question that hasn't been answered fully to all the congressional inquiries is whether they stepped over the line from political encouragement to illegal cooperation."

Assistant Secretary of State Elliott Abrams on Saturday defended American supporters of the Nicaraguan resistance and contrasted their efforts with private Americans supporting Nicaragua's Sandinistas and the communist-backed guerrillas in El Salvador.

"We do not follow and find out the identities of the thousands of Americans who help the FMLN [Farabundo Marti National Liberation Front] guerrillas in El Salvador, the communists, or the communist regime in Nicaragua because they have a right to do so as Americans," Mr. Abrams said on Cable News Network.

"And we don't follow the people who are trying to help U.S. policy and restore freedom to Nicaragua," he said.

Meanwhile, Vice President George Bush on Saturday denied reports he was linked to a former CIA operative Mr. Hasenfus has tied to the mystery aircraft.

Mr. Hasenfus told reporters in Nicaragua Thursday he was working for the CIA in supplying rebels with weapons. He said he had received orders from two Cuban-Americans working for the CIA, including a man named Max Gomez.

Mr. Bush described Mr. Gomez, now working as a military adviser to El Salvador's Air Force, as a "patriot."

EARTHQUAKE IN EL SALVADOR

Mr. LAGOMARSINO. With regard to the event that has been overshadowed, the terrible earthquake in El Salvador, which if translated into equivalent terms in this country, would be the loss of life of what, hundreds of thousands, I suppose?

Mr. ABRAMS. Yes.

Mr. LAGOMARSINO. I would like to ask you a few questions about that. What effect will this disaster leave on the abilities of the Government of El Salvador to surmount the challenge posed by the Communist guerrillas supported by Nicaragua there?

Mr. ABRAMS. A large number of government buildings, perhaps 40, were seriously damaged. For example, about a third of the presidential offices themselves, Ministry of Communications, Ministry of Agriculture, and a number of military facilities, the military hospital, some communications facilities within the country, so it is clearly going to have an impact.

It also has an impact because a number of military forces are now serving to keep order and prevent looting or any kind of outbursts of crime in San Salvador. We have complete success. There has been no reported incidence of looting since the earthquake, so that diverts them from their role in the field in a sense.

It is going to be a tremendous pressure on the country's budget, so there is no question that it diverts time and attention and manpower from the war, and gives the guerrillas an opportunity.

Mr. LAGOMARSINO. What about the economic situation in the country? I know that from conversations we have had and conversations I have had with the President and the private enterprise people in El Salvador, that they are having a very difficult time.

This is not going to help in the restoration of the economy generally?

Mr. ABRAMS. The economy has in a sense bottomed out. They were expecting maybe a percent and a half growth, and this really wreaks havoc. The Ministry of Planning was destroyed, and 30 employees of the Ministry were killed when the building collapsed.

The Ministry of Agriculture also was heavily damaged, so all will take a heavy toll, and you have got reconstruction in San Salvador, and that means a lot of officials are devoting a huge percentage of their time to San Salvador and have less time for general economic questions and again, diversion of resources from what would have

been efforts to get the national economy going, and then going into reconstructing things they thought they had a week ago.

So what it turns on is first, the ability of the Salvadoran people and government to get their efforts going in an organized manner; and second, the provision of resources from outside to help because they certainly don't have enough of their own.

Mr. LAGOMARSINO. How would this disaster compare on a percentage basis with the earthquake in Mexico a year or two ago? There were 900 killed here.

Mr. ABRAMS. 1,000 killed. It is a little bit more killed in percentage terms than in Mexico City, because the population—roughly the same in percentage terms, as the size of the earthquake in Mexico, but also, Mexico, though it is a country of great poverty, is a country with very considerable resources in oil and other ways, so in a way, you could say this hurts more.

Mr. LAGOMARSINO. Is it possible for Mr. Hasenfus to believe he was working for the CIA when he really was not?

Mr. ABRAMS. We don't know what he thinks. It is plausible, that is my own view, that he thinks that, because presumably, and I don't know how this operation was organized.

I don't know who organized it, paid for it, but presumably people involved in it knew that they were doing something generally in line with U.S. policy, and supporting the freedom fighters in Nicaragua, and it is plausible to me some of the people involved were ex-CIA employees or had worked in some capacity in the past for the U.S. Government, and I don't know that Mr. Hasenfus would have known whether he was engaged in a purely private activity or one which was in a sense a covert CIA operation.

I know that it was not a covert CIA operation. Anybody who knows the facts knows that it was not, but it is not clear that he would have known the facts. He has no clearance to learn what the facts are, so it strikes me as plausible.

Mr. LAGOMARSINO. Prior to this meeting even being called, you told me, and I certainly believe you, that the CIA had nothing to do with this, as did the Secretary of State personally, and as did Bill Casey, the Director of the CIA.

Mr. BARNES. The Chair recognizes the gentleman from Massachusetts.

U.S. GOVERNMENT INVOLVEMENT

Mr. STUDDS. Thank you, Mr. Chairman.

You are very, very good at what you do, and I wish you did better things, but you know that. I am going to try some fairly specific questions, and when either I or you or we despair, I might fall back on an observation.

Senator Durenberger was quoted as saying, "I assume somebody in the U.S. Government knows something about this, and the sooner they speak up, the better. Ronald Reagan is sponsoring all of this private action. Ask him or somebody who works for him."

You are the first one I have come across who works for him since I read that statement.

Mr. ABRAMS. I understand the frustration of Chairman Durenberger, because he knows for a fact that there is no evidence what-

soever of U.S. Government involvement in this, I think he does. I know that he has attended hearings at which that was made very clear, and I can sense the frustration of somebody who says, well, surely there has to be some kind of government role.

It is a tribute to our—in the works of de Tocqueville, his advice to Americans, to join together for cooperative action without the Government. That is what you are seeing here.

Mr. STUDDS. God, I wish he were here.

Mr. ABRAMS. He would be very old.

THE ACTIVITIES OF MAX GOMEZ

Mr. STUDDS. According to Mr. Hasenfus, the supply flights were supervised by Max Gomez, also known as Felix Rodriguez. Do you believe that statement to be true or untrue?

Mr. ABRAMS. I have no comment on that.

Mr. STUDDS. Mr. Gomez began working in El Salvador after he was recommended to the Salvadoran Government by an aide to Vice President Bush. Do you believe that to be true or untrue?

Mr. ABRAMS. Give me that again.

Mr. STUDDS. According to press reports, Mr. Gomez, began working in El Salvador after he was recommended to the Salvadoran Government by an aide to Vice President Bush.

Mr. ABRAMS. I only know about that which I have read in the newspapers. It seems to me that the Vice President has said that he met Mr. Gomez twice if I remember right, and that Mr. Gomez did work in El Salvador, worked with the Government of El Salvador.

Mr. STUDDS. According to the New York Times and the Washington Post, the Vice President said this past weekend that Mr. Gomez's current role is to help the Government of El Salvador put down an insurrection.

General Blandon, Chief of Staff of the Salvadoran military, and U.S. Ambassador Corr, both said on Monday that they knew nothing about the activity of Mr. Gomez on behalf of the Government of El Salvador.

Do you think the Vice President's analysis is correct, or do we have confusion among the troops here?

Mr. ABRAMS. First, I asked Ed Corr if he had said anything like that. He is kind of busy right now, but I managed to find him a few nights ago.

He says that he did not make that statement as reported in the Times. The Vice President's remarks stand on the record, and I am not going to go evaluating comments by a third country's officials.

Mr. STUDDS. Were you aware that planes based at Ilopango Air Base in El Salvador were transporting supplies to the Contras and that this was occurring with the knowledge of the Government of El Salvador?

Mr. ABRAMS. If that were true, I would not comment on it in this forum. There are lots of allegations about the involvement. Nicaragua is suing Costa Rica and Honduras because of their alleged involvement, and now they claim Salvadoran involvement.

INVOLVEMENT OF CORPORATE AIR SERVICES

Mr. STUDDS. According to Mr. Hasenfus, and to press reports, a company known as Corporate Air Services has been regularly running supply flights from Miami to El Salvador to the Contras.

Corporate Air Services was operated by Southern Air Transport, a company once owned by the CIA. The plane that was shot down was used by the CIA 2 years ago in a successful effort to implicate an official of the Nicaraguan Government in drug operations.

The Cuban-American who supervised Corporate Air Services was a veteran of the Bay of Pigs, a former employee of the CIA, and he obtained his job in El Salvador at the recommendation of a Vice Presidential aide, who also formerly worked for the CIA.

To your knowledge, did any agency or official of the U.S. Government provide financial or other material assistance directly or indirectly to facilitate the operations carried out by Corporate Air Services in Central America?

Mr. ABRAMS. Not to my knowledge, absolutely not. I never heard of Corporate Air Services until a few days ago, when it came up in the newspapers.

Mr. STUDDS. My time is drawing to a close. Let me make an observation, if I may.

This is not anything you would be called upon to respond to, though you might be tempted. It is a depressing fact that the fundamental purpose of a congressional hearing, which is the gathering of information, has been fairly steadily undermined in recent years.

Our discussions here seem to me unreal, the events we are talking about are very real. The Nicaraguans have a man in jail, three people are dead. Someone was paying those men. If it wasn't the Defense Department, CIA, or General Singlaub, who was it, the "A Team?" We all know what the reaction of this Congress would have been if a plane flying from Nicaragua with a Cuban crew had been downed over El Salvador while bringing guns to the Salvadoran rebels.

What is in question is whether this administration believes the American people have a right to know what is done abroad in their name, and whether Government officials have the right to ignore laws they don't like.

Secretary of State Shultz recently said that a government may properly further its policy goals by surrounding the truth with a bodyguard of lies.

Another official who felt he could no longer serve in this administration called truth the pulsebeat of democracy. We have had disinformation on Libya. We are the targets of a massive propaganda barrage on arms control, and we have now another chapter in the administration's bizarre charade in Central America.

I have to conclude by observing to you that this Congress shares the blame for much of the past 2 years. We as an institution have been deaf, dumb, blind and gutless. We have let you get away with far too much.

But it seems to me we have now reached the point where the bodyguard of lies, to quote Secretary of State Shultz, is working

overtime, and the pulsebeat of democracy is growing fainter every day.

The saddest thing of all is you are not fooling anyone at all. Your last sentence in your statement was, "Private citizens who aid the Nicaraguan democratic resistance forces are in a sense only doing what both Houses of Congress have already said they wished to do and will do within a matter of days."

Mr. BARNES. The time of the gentleman has expired.

Mr. ABRAMS. Mr. Chairman, if I could just make one comment?

Mr. STUDDS. It was a long question, I grant you.

Mr. ABRAMS. First, this activity, this particular flight was not—I reiterate again—activity in any way of the U.S. Government. It was not any agency thereof. I find it difficult to believe that you find that difficult to believe in this sense.

It is a big country, and there are a lot of people who passionately believe in the cause of freedom fighters, millions of people, and some of them, when you collectively decided that the freedom fighters should be left to be starved and crushed by the regime in Managua, apparently decided to help them out until such time as Congress saw it needed to do so.

Congress is on the verge of making that final decision, and that Americans came to, in a sense, fill the breach, I find unsurprising and wonderful.

Mr. BARNES. The gentleman from Ohio is recognized.

Mr. DEWINE. I have a quote from the October 11 Congressional Quarterly quoting Senator Durenberger: "I am convinced it is a private operation," he said October 9, noting that the CIA has been trying to keep its hands clean with illegal activities, illegal contract duty.

STATUS OF MR. HASENFUS

What I have difficulty with is why somebody in the CIA didn't know who was running the private operations. That is to add to the clarity of the operations. Can you tell us whether or not our Embassy officials had access to Mr. Hasenfus and whether or not we know where he is being held, and if we do know, what we know about the treatment, because in the past, the treatment of political prisoners by the Sandinistas, how that might reflect on Mr. Hasenfus?

Mr. ABRAMS. He is being held at El Chipote Prison in Managua. We have had one opportunity to see him, one 11-minute interview conducted in the presence of a group of Sandinista officials and also cameras.

The only other access to him by anybody other than Sandinista officials is that 45-second meeting with his wife in front of cameras and in front of the chief of the secret police.

He was able to exchange some words with his wife, and with U.S. officials; that is to say, the U.S. consul, and I will not go into those here.

Mr. DEWINE. One occasion?

Mr. ABRAMS. There was one occasion when he met with his wife for less than a minute, and a separate interview with the consul. I don't know what the conditions under which he is being held are. I

am hopeful that because so much attention is being focused on this case, that he is not being abused in a physical sense.

I would be willing to bet you a lot of money that he is being abused in the psychological sense, that the Sandinistas are telling him, use logic, you say the right thing and we guarantee you will be out of here in no time, but if you don't, you are in big trouble.

The fact that they are not permitting this kind of access, they don't permit a doctor, won't permit an outside doctor to see him, Red Cross, nobody is getting to see him, and the only logical explanation is it is pressure on him to do whatever they want him to do.

They are paying a price for this in public relations terms, so why are they willing to? They are trying something.

Mr. DEWINE. This is the same prison that a Amnesty International report in 1986, said the following: "Concern about reports of prisoners held in this prison that were subjected to long periods in small isolation cells with poor ventilation and no natural light.

Lights were sometimes left on permanently or prisoners were held in the dark, except at meal times, for a week or more, and they were threatened with indefinite incommunicado detention." Are you familiar with that report?

Mr. ABRAMS. Yes, and it squares with the report from the Lawyers Committee Report on International Human Rights Conditions, which also reported on human rights conditions in similar terms.

Mr. BARNES. The gentleman from Connecticut.

AN ASSESSMENT OF THE NEUTRALITY ACT

Mr. GEJDENSON. I am heartened to see my friend quoting from Amnesty International, and as we look at Chile, I hope he doesn't forget to look at their words.

Let me read to you an assessment of what the Neutrality Act means. "All expeditions begun or prepared within the United States are prohibited, whether or not the final attack is staged from a third country."

Do you think that is an accurate appraisal? Is that the working definition that you are presently using?

Mr. KOZAK. I wouldn't disagree with that. I should say that this act is the responsibility of the Justice Department to enforce and interpret, so what I can give you is not authoritative or definitive, but I wouldn't disagree with that statement.

Mr. GEJDENSON. At some point, I would think that the State Department with all that is going on, would have sat down, took a look at the law, and tried to figure out how to stay within it. Is that unreasonable?

Mr. KOZAK. When we saw that private people were starting to get into this kind of activity, we sent a message out to all of our posts worldwide to remind them of our obligation not to give advice to people on how to deal with these laws.

If somebody came in with some activity they wanted to promote, we told them either to go to the Justice Department where they can get authoritative advisory opinions, or to consult with their own private counsel, but we don't advise people on how to comply or not to comply with these statutes.

Mr. GEJDENSON. Has the Justice Department recently, say in the last several years, furnished the State Department with some working definition of the Neutrality Act for its use? Do you have something that you work off that we might see?

Mr. KOZAK. There have been opinions of the Attorney General dating back into the early 1800's.

Mr. GEJDENSON. Something a little more recent than that, something within my lifetime.

Mr. KOZAK. They usually tend to focus on different aspects. The question will come up whether or not this applies to government officials, for example.

Mr. GEJDENSON. Something done in the last 6 years.

Mr. KOZAK. Yes. I would have to refer you to the Justice Department on that, but yes, this is a statute that they enforce and interpret on an ongoing basis, so we see their opinions on it.

Mr. GEJDENSON. Mr. Secretary, have you recently met with or worked with Mr. Robert Owen?

Mr. ABRAMS. Never met him. I know who he is.

Mr. GEJDENSON. Do you know where he is now?

Mr. ABRAMS. No idea.

U.S. GOVERNMENT LINKS WITH UNO

Mr. GEJDENSON. The present policy for the Department is that it operates as the primary linkage with UNO?

Mr. ABRAMS. The United Nicaraguan Opposition, that is the main Nicaraguan democratic resistance group.

Mr. GEJDENSON. Which we use to get the humanitarian aid through?

Mr. ABRAMS. Precisely. My office probably has more contact with them than anybody else.

Mr. GEJDENSON. Would they work with you or with someone out of the White House?

Mr. ABRAMS. They are not a U.S. Government agency. They are Nicaraguans who have been in some cases for many years now, since the early eighties, engaged in this struggle against the Sandinistas, and I imagine—I mean, they have, for example, the three members of the Directorate have met the President on numerous occasions, and the Secretary and the Vice President, but I think it is the case that they probably have more contact with me than any other, my office than any other.

Mr. GEJDENSON. The news reports indicate that the Argentinians at our request started the Contras or at least provided the initial training. Once they became operational, in that early stage, was it your people that worked with the Contras from that point on?

Mr. ABRAMS. A Communist regime in Managua started the Contras, in my view. I haven't a clue. That was way before I got into this, and I have seen those press reports, but never seen any official document relating to that.

Mr. GEJDENSON. You would say, for instance, that UNO would not operate with national security staff on day-to-day operations, that that would be done directly with you?

Mr. ABRAMS. Insofar as their day-to-day operations are with any U.S. officials. As you know, since some time in mid-1984, the intel-

ligence community has been forbidden from having anything to do with the military side there.

From those operations, and I think probably they have more contact with us, but again, it is a coordinating thing. We try to work with them as much as possible. They have contact with many Members of Congress and the White House.

Mr. GEJDENSON. How often do you discuss Central American, or Nicaragua policy with Vice President Bush or his Security Adviser, Donald Gregg?

Mr. ABRAMS. It seems to me probably I shouldn't answer that question, because it is not an appropriate question. It relates to conversations within the administration, and though I could obviously answer it, it is not right for me to answer it.

Mr. BARNES. The gentleman from Indiana is recognized.

Mr. BURTON. I have a couple of comments and I think you are doing an excellent job.

The gentleman from Massachusetts talked about disinformation campaign regarding Libya, which would I guess, tend to impugn the integrity of our Government. At least that was the intention of the question I believe. I would caution those on the left in this Congress that the "blame America first" campaign launched by many in his party during the last election cycle cost them 49 States and they ought to be a little careful about that.

It also has been stated by you that many people believe in the freedom fighters and what they are trying to accomplish in Central America, and I happen to be one of them, and I would like to attest to the facts stated, and that is that I as an individual citizen within the framework of the law, would be happy to contribute to helping them in their fight for freedom, and I notice there are millions like me across the country who share that feeling, and I would like to make a comment about this committee and what it is trying to accomplish today.

It appears to me, this is a last-ditch effort on the part of the liberals in the Congress to stop the \$100 million in humanitarian and military assistance already passed by this Congress to aid the freedom fighters in putting their country back in the free column, and it won't work but nevertheless, this committee has an unquenchable thirst to achieve that goal, and I commend them for their efforts, but I don't think it is going to work.

Previous association with the CIA does not mean a continued connection with that Agency, does it?

Mr. ABRAMS. No, and I want to state again, and as you know—well, first I want to state flatly there is no CIA role in this flight, and I also, if memory serves, the chairman of the Senate and House Intelligence Committees have both said that they have reviewed the evidence—and again, I am sorry to speak for them and I shouldn't do it—my memory is that they both said they are satisfied there is no CIA involvement. If there are CIA ex-employees involved, retired employees involved, then they are involved in their capacity as citizens.

Mr. BURTON. I was told today by a high official of our Government that the head of the Intelligence Committee for the House of Representatives, Mr. Hamilton of Indiana, is also convinced that the CIA had no involvement in this case, along with Senator

Durenberger. If someone were trying to hide an agency connection, which would have been illegal under the law at the time, is it likely that individuals and companies with past CIA connections would have been used? In other words, would this company be used again if we had used them before?

Mr. ABRAMS. That is an interesting question. Some people have said, and I share this view, that they did not believe the CIA was involved in this because they know the CIA does more professional work. If you were trying, if you were conducting some kind of covert Government activity, you wouldn't conduct your activities this way.

I think that does lend credence to the fact that this was not a U.S. Government activity and not in particular an activity of the intelligence community.

ORIGINS OF IDENTIFICATION CARDS CARRIED BY HASENFUS

Mr. BURTON. It has been alleged by some congressional sources that the type of ID card found on the body of one of the crew members shot down in Nicaragua would only have been issued to an American by a government in the region that had the permission of a U.S. Embassy or senior U.S. military official. Is that true?

Mr. ABRAMS. I asked whether that was true and the answer is no. There is no U.S. Government involvement, no Government involvement, including anybody the U.S. Embassy oversees.

I don't know what the practice of every foreign government is, but I can tell you that there is no government role in this flight, including the provision of passes and things like that.

Mr. BURTON. Let me just end my part of this program, Mr. Chairman, by saying that the gentleman from Massachusetts alleged or referred to a disinformation-type campaign on the part of this Government regarding Libya and I would like to point out that the Government of Nicaragua has been deeply involved in a disinformation campaign affecting the American interests, and the Wall Street Journal on Tuesday, April 23, 1985, reported that the law firm in Washington of Reichler & Applebaum was paid \$320,000 to make the Sandinistas look better.

That law firm commissioned a human rights study, which was carried out with the full cooperation of the Sandinista government, and transportation, all the costs of that study was paid for by the Sandinistas. They came back to Washington, DC, typed up a report, but the law firm wanted to separate themselves from that report so they sent a checked team down to verify the report, and that team went down there and it was headed by a man married to a woman from Nicaragua who had two brothers who are members of the Sandinista Foreign Ministry. They came back, verified the first report, which was then published by the Washington Office on Latin America and Representative Gejdenson and others on this committee evidently held a news conference attesting to this report being factual, and it was complete Communist disinformation.

So if anybody is misinforming the American people and maybe even duping some members of this committee, it would appear to me it would be the Sandinista government, and I think we should, before we start accusing—

Mr. GEJDENSON. Would the gentleman yield, since he mentioned my name?

Mr. BURTON. As soon as I finish.

Before we start blaming America first as the liberals in Congress continue to do, we ought to look at this disinformation campaign being perpetrated on the American people by the Communist Sandinista government, and also swallowing up Members of this body.

Mr. GEJDENSON. It seems to me the Secretary himself, in testifying before the Congress on a number of occasions, basically said the same thing that my staff and others found when they went to Nicaragua, which was that in the early days of the operation of the Contras, there were a significant number of human rights abuses. The only defense of those abuses on any occasion I have heard from any member of the administration was yes, but that that was back in 1981, and they are doing better now.

Mr. BURTON. If I may reclaim my time?

Mr. GEJDENSON. That was the same debate.

Mr. BURTON. If I may reclaim my time? Would you care to respond to that?

Mr. ABRAMS. I would not accept that characterization of my testimony. There has been a phenomenally large Sandinista campaign to accuse the freedom fighters of human rights abuses, and that campaign has had a certain degree of success, but it is based on very little in the way of evidence.

Mr. BURTON. If I might conclude? The Communist Sandinista government paid the law firm of Reichler & Applebaum \$320,000 a year to perpetrate this kind of misinformation on the American people and Members of Congress have swallowed it hook, line, and sinker.

I yield back the balance of my time.

Mr. BARNES. I am reminded by staff when we met on an earlier occasion we had a lengthy discussion of this issue, and you indicated, Mr. Abrams, you were going to provide the committee with items that have been alleged, and you indicated that the Department had done such an investigation and you would provide us with that information.

Mr. ABRAMS. That was a long time ago.

Mr. BARNES. We never got it. I have asked for it a couple of times since. We sent you several letters requesting it subsequently. I do know that the Contras themselves have said there were very significant abuses and they have established a human rights commission internally to monitor those abuses. And the committee has never received from the administration the information that you said you were going to provide us and never you responded to my letters either.

The Chair will recognize now the gentleman from Pennsylvania, Mr. Kostmayer.

Mr. KOSTMAYER. You said that you don't have any information on the plane, who was involved with the flight.

Mr. ABRAMS. There is a certain amount of intelligence information around about a lot of activities in Central America, and none of it can be discussed in this forum.

Mr. KOSTMAYER. But you did say, you have no information personally?

Mr. ABRAMS. That is correct.

Mr. KOSTMAYER. You have not been told or you have no information?

Mr. ABRAMS. Any information I might have other than what is in the press would come from intelligence reporting which I will not discuss.

Mr. KOSTMAYER. I understand.

Mr. BARNES. Will the gentleman yield on that point?

I thought it was very clear earlier you do not know.

Mr. ABRAMS. I do not know the answer to the question who organized and paid for this flight. I don't mean to suggest that the U.S. Government as a whole knows absolutely nothing about the fact that there is material getting in. For 2 years the Contras have been kept alive by this material, so it is clear it is getting in, but I still don't know—

Mr. BARNES. Who organized this and who paid for it?

Mr. ABRAMS. That is correct.

Mr. KOSTMAYER. You have not been told by our Government, if indeed our Government knows, who organized and who paid for this particular flight?

Mr. ABRAMS. I wouldn't separate myself from the Government. We don't know.

Mr. KOSTMAYER. Do you think there is anyone in the Government who does know?

Mr. ABRAMS. No, because we don't track this kind of activity.

Mr. KOSTMAYER. It is fair to say that our Government, those personnel in it, simply don't know the facts behind this particular incident or similar—

Mr. ABRAMS. Or others like it, that is right.

Mr. KOSTMAYER. I gather you do not think that they should know?

Mr. ABRAMS. Unless there is probable cause to believe that a law has been violated, an investigation is therefore improper. I don't know who pays for CISPES—you are familiar with that organization—which I view as harmful to U.S. national interests, and I don't think I should know. I don't think I should be investigating.

Mr. KOSTMAYER. My impression was—and it is mistaken, I gather—I think we have good intelligence capacity. You have said that. We have a pretty good idea of what was moving through the air in that part of the world, that our people know what is going on down there, we know who is bringing in arms to Nicaragua and a general idea of who is behind this. It is a relatively small region. We are deeply involved in there. We know what is going on, but apparently we don't?

Mr. ABRAMS. There is intelligence information about Central America. We do not know who paid for this flight.

ORIGINS OF THE CONTRA RESUPPLY PLANE

Mr. KOSTMAYER. Do you know where the flight came from?

Mr. ABRAMS. I am trying to remember.

Mr. KOSTMAYER. Trying to remember?

Mr. ABRAMS. I am trying to remember whether I have seen intelligence information about where it came from. I don't believe I have ever seen any information about where it came from.

Mr. KOSTMAYER. You don't know where it came from?

Mr. ABRAMS. As I sit before you now, I do not know where it came from. It is possible, I believe if I went back and asked the intelligence community, they would tell me, but I couldn't tell you anyway. I couldn't tell you whether we knew or not.

Mr. KOSTMAYER. You are not sure whether you have been told. You don't recall?

Mr. ABRAMS. I don't recall whether I have been told or not.

Mr. KOSTMAYER. Where this flight originated?

Mr. ABRAMS. I don't recall whether there is any intelligence information about it or not.

Mr. KOSTMAYER. Is there anyone in the U.S. Government who knows where this flight originated?

Mr. ABRAMS. The answer is I don't recall whether there is any intelligence information about that.

Mr. KOSTMAYER. You don't recall?

Mr. ABRAMS. Whether there is any intelligence information about where the flight originated.

If I did recall, I am not sure I would answer your question.

Mr. KOSTMAYER. That puzzles me. This has been a fairly prominent issue in the last few days and one of the things that you might have considered is where the plane came from, but you are now telling the committee that you not only don't know where the plane came from, you're not sure if you ever even have been told where it came from?

Mr. ABRAMS. This didn't happen yesterday. If there was any intelligence reporting about it, I read it a while ago. I just don't remember. That is a detail which was not, which even right now I don't view as of particular interest.

Mr. KOSTMAYER. Am I wrong—I am not an attorney—am I wrong in saying that that detail where the plane originated, is important in determining whether or not the Neutrality Act was violated?

Mr. ABRAMS. Maybe, maybe not.

Mr. KOSTMAYER. That about covers it.

Can you tell us—I guess you can't—where these individuals obtained identification cards which were issued to U.S. military advisors, which they were carrying on their persons at the time the plane crashed?

Mr. ABRAMS. That is incorrect. If the card which was shown in the press by the Sandinistas, if that is the card that is being referred to, members of the famous 55th U.S. Military Advisory Group in El Salvador don't have that card. So those cards do not indicate that these men were part of the U.S. Military Advisory Group and they were not part of the U.S. Military Advisory Group. Whoever made those cards, where they came from, they are not—

Mr. KOSTMAYER. You make that judgment about the cards based on what, photographs you have seen?

Mr. ABRAMS. I have seen them on TV. The Sandinistas held up cards.

Mr. KOSTMAYER. You have seen the newspaper photographs of the cards, and based on that, you have made a judgment that they are not the same kind of cards issued to U.S. military advisors?

Mr. ABRAMS. Correct.

Mr. KOSTMAYER. Your knowledge is fairly thorough of the cards issued to U.S. military advisors and the photographs?

Mr. ABRAMS. Cards were shown. I answered the question.

Mr. KOSTMAYER. What kinds of identification cards are they?

Mr. ABRAMS. No one I ever spoke to had ever seen anything like that before. I don't know what they are.

Mr. KOSTMAYER. They are access cards to American military bases?

Mr. ABRAMS. There are no American military bases in El Salvador.

Mr. KOSTMAYER. That they would admit personnel to?

Mr. ABRAMS. I don't believe that that is correct, because it is at variance with the information I have.

Mr. KOSTMAYER. That concludes my questioning, and without consultations, I don't feel you have been very forthcoming. I can't help feel there is a great deal of information being held back.

Mr. ABRAMS. There is a great deal of information which I cannot reveal at an open hearing that is not before the intelligence committee. It doesn't relate to any of this which I have flatly denied and which is false—these charges of U.S. Government involvement. If you are interested in knowing what is the intelligence community doing in Central America, what precisely does the intelligence community have intelligence on, you are on the wrong committee.

Mr. KOSTMAYER. I know there is a great deal of general information that you are not going to provide nor should you. You know more about this plane than you are letting on.

Mr. ABRAMS. Insofar as I know more about it, I told all I know to the intelligence committee yesterday.

Mr. BARNES. The time of the gentleman has expired.

Mr. MCCAIN. Thank you for being here again, Mr. Abrams.

GENERAL SINGLAUB'S INVOLVEMENT IN THE RESUPPLY EFFORT

I would like to go back to the initial reports carried in the New York Times and other periodicals that linked General Singlaub and the Council for World Freedom with this fight. Do you know if General Singlaub was associated with this operation?

Mr. ABRAMS. No one has produced any evidence that I have seen that he is. He states flatly that he is not publicly and privately. On the basis of all the information I have seen and his denial, I am persuaded that he is in no way involved.

There is a misunderstanding that a lot of people have that there is one organization that helps the freedom fighters. Singlaub is the head of it. Lots of organization and lots of Americans—

Mr. MCCAIN. Why would that be the subject of a front page story in the New York Times if there was no credence to it?

Mr. ABRAMS. I don't know. The press coverage of this has on occasion mystified me.

Mr. McCAIN. It is your considered belief that the Council for World Freedom and General Singlaub had nothing to do with this operation?

Mr. ABRAMS. Correct.

AMERICANS WORKING WITH THE SANDINISTAS

Mr. McCAIN. Thank you. Do you have any information of American presence in Nicaragua helping the Sandinistas?

Mr. ABRAMS. No. We know of a few who are prominent. Daniel Ortega's translator, who was a translator on American TV, and has translated for Members of Congress, and translated for Hasenfus last week, is an American citizen. There are perhaps a hundred Americans who live in Nicaragua and work for the Sandinista government. Other Americans we read in the newspapers pass through and spend a few weeks trying to help the Sandinista regime.

We don't collect information on that. In fact, as you know—and I don't think there is any problem talking about this at an open hearing—the intelligence community is forbidden in many, many ways from targeting Americans and collecting information about the activities of Americans. These are lawful activities. They won't touch it with a 20 foot pole. They stay far away from it. So we don't collect information on those Americans. When they are prominent enough to be on U.S. TV, we see them.

Mr. McCAIN. We are having another bizarre hearing of this subcommittee, and that is because of our chairman, our respected chairman—although I share the views of my colleagues about his dedication and I respect his opinions and his positions on the issues. However, as I will refer to in a minute, I don't believe those of us on this side feel that evidence from the witnesses has been balanced as in the past.

You, Secretary Abrams will testify, and then the well traveled Honorable White, and the well traveled former McGovern campaign military advisor, Colonel King, and Mr. Sheehan, are going to illuminate us on the suit being brought.

Mr. BARNES. Will the gentleman yield for just a moment?

Mr. McCAIN. When I finish my comment, if I could, Mr. Chairman.

One would think somewhere we could find a former American Ambassador who favors the U.S. policy in Central America, who does have information to lend us. Somewhere we could find a retired lieutenant colonel in the Army who does favor what we are doing in Central America, who did not work for George McGovern right after he retired from the Army, and certainly maybe we could hear from someone who doesn't believe that there is validity to the suit that is brought against the U.S. Government, but we don't have time for those witnesses.

Mr. LAGOMARSINO. Would the gentleman yield?

Mr. McCAIN. I have to yield to the chairman, who asked first.

Mr. BARNES. I thank the gentleman for his concern about balance in hearings, because we have over the years on every occasion, offered the minority the opportunity to have witnesses. This was such an occasion. We offered the minority the opportunity to

invite a witness to this hearing that it would find supportive of the administration's position, and we obviously lead with the administration. The minority declined to invite a witness.

Mr. McCAIN. Just a minute.

Mr. LAGOMARSINO. Would the gentleman yield to me?

Mr. McCAIN. Be glad to.

Mr. LAGOMARSINO. The chairman did not contact me about this hearing, although my staff person advised me of it, and because of the short notice, there really wasn't time to find another witness.

Mr. BARNES. As my colleague knows, the normal procedure has always been that our staff alerts your staff about a coming hearing. The minority staff was informed immediately after I told my staff. We were late-informed that there would be no minority witness. My distinguished colleague knows that we always offer the minority an opportunity to have a witness.

Mr. HYDE. Who did your staff contact?

Ms. PUBILLONES. Jake Dunman, the minority staff consultant.

Mr. HYDE. He decided unilaterally we would have no witnesses?

Mr. BARNES. It was not our decision. He informed my staff that after having discussed it with Mr. Lagomarsino, there would be no witness.

Let me complete the thought, if I may, because the gentleman is sort of suggesting that the majority tries to be unfair in the way that this is done. We have always had minority witnesses at our hearings, and we always offer the administration full opportunity to present its views, and in this instance, the same procedure was followed that is always followed. It was the minority's decision not to have a witness on the second panel.

Mr. McCAIN. If I might reclaim my time. I appreciate the comments of the distinguished chairman, but wouldn't it be some time incumbent upon the chairman to invite someone of the opposite viewpoint himself?

Mr. BARNES. You want us to choose your witnesses?

Mr. McCAIN. If you would please observe the rules of the committee and let me finish my statement, it seems to me at some point the majority would want to hear from a witness that is not opposed to the administration rather than leaving it up to the minority to choose. I don't think it is worthwhile to waste too much time on this.

Now, I would like to yield to you or continue with a different line of questions.

Mr. BARNES. I agree with the gentleman completely. We do want to hear all sides. We tried to get General Singlaub to come and present his views. We had a long list. I was asked at noon on Friday by the Speaker to hold a hearing on this and to conduct an investigation of this matter before Congress adjourned. You can imagine the time pressures that we were under.

Friday afternoon, I sat down with staff, put together a long list of potential witnesses. We also invited the Defense Department to appear, and they declined the invitation.

Mr. McCAIN. I guess it has been the last 2 years that I have been on this subcommittee, it has been fairly coincidental.

DIVERSION OF U.S ASSISTANCE TO THE CONTRAS

Secretary Abrams, do you have any further information concerning the allegations made at a previous hearing a few months ago when we were considering aid to the Contras months ago on the floor of the House, concerning the diversion or the so-called diversion of the millions of dollars that went to corrupt and illicit purposes. Have you had an opportunity to follow up on those allegations or come up with any fresh evidence?

Because witnesses that follow you will dredge up these same old allegations and use this hearing, which is not on that subject, as a forum to drag us through that.

Mr. ABRAMS. Those are, as you say, old allegations. They were falsely made and they are still false. We know the money was spent, and it helped a great deal until it was all spent in the late spring in keeping the resistance alive and giving you the option of reconsidering whether the United States should aid the resistance forces, an option which the Congress will pick up in the next day or so.

I know some members of the committee felt that all of the evidence was not in. That is correct. Because some of the evidence consists of intelligence reporting which will never be made public and to which the GAO is not privy itself.

And what we said to GAO about this is, if they have an argument, it is a larger argument than on this program, and they think they should be reviewing actions of the U.S. Government which are covert. We don't.

And so, there is some evidence, evidence which we use to insure the program was working properly that was not available to them.

The program worked very well, given the fact it was put together virtually overnight. You know, one day we had to open an office in Roslyn. We had to find desks, typewriters, and get the supplies moving, food and medicine moving down to Central America, and we did.

I think Ambassador Duemling and his staff did a spectacular job, and I am personally very grateful for the work they did. And we are very pleased with it.

Mr. MCCAIN. Thank you, Mr. Chairman.

Mr. BARNES. The gentleman from Illinois.

Mr. HYDE. Thank you, Mr. Chairman.

Mr. Abrams, I am speculating that one of the big concerns on this committee and the other body is that somehow this plane flight was done with a "wink and a shrug"—I think the accepted phrase is—by the CIA.

COMPLIANCE WITH THE BOLAND AMENDMENT

It seems to me after the Boland amendment put such strictures on any American assistance, direct or indirect, with the contras that a decision was made by our intelligence and defense personnel to stay away from any privateers, any private benefactors down there, because God help them if they are ever caught talking to them.

Instead of getting information on who they are and what they are doing and who is financing them, which the majority on the

staff, the former majority on the staff, seems interested in, they would be accused of directing their operation, telling them what to do, and so a hands-off, stay-away policy was the safest thing to do to comply with the great Boland amendment, and now you are being criticized because you don't know everything that was going on down there and your credibility is being questioned.

Now, do you find it curious, or is it just me—let me phrase it another way. I find it curious, and I will share that view with you, that in El Salvador very recently a horrendous earthquake occurred that killed 1,000 people, that 10,000 people were injured, 100,000 people are homeless, and with that fresh in our mind, the majesty and dignity of this Subcommittee on Western Hemisphere Affairs is concerning itself with a flight of a plane in Nicaragua that involved three American citizens.

I find our priorities a little askew. I should think we would be trying to find out what the situation is down there, what we can do, what emergency help we can provide and that sort of thing.

TREATMENT OF HASENFUS BY NICARAGUAN GOVERNMENT

But nevertheless, another matter we overlook in our wide ranging sweep of issues about the Western Hemisphere is that Mr. Hasenfus has been permitted to see his wife for only 45 seconds and then surrounded by Sandinistas. Is that the way a legitimate country deals with its prisoners?

Mr. ABRAMS. I would remind you that that access by his wife and by the U.S. consul came only after a lot of screaming by the Department of State and by Members of Congress.

Mr. Roth is here. Senator Kasten, as well, made some public statements. Other Members of Congress did. We did.

Until then we might not have gotten any access to Mr. Hasenfus. His wife was in Managua a little less than a week, and I don't—and they let her see him once in this show they put on for TV, not even for a minute.

I think the answer to your question is that is not what anybody considered to be a civilized or humane attitude.

Mr. HYDE. But his country, the country of which Mr. Hasenfus is a citizen, the consular or democratic representative got to see him for 11 whole minutes, is that right?

Mr. ABRAMS. That is right.

Mr. HYDE. And then in public, surrounded by the intelligence services and cameras and other Sandinistas is that the way a civilized, decent member of the family of nations, one that would, say, take matters to the world court, is that the way the people are treated in the civilized world.

Mr. ABRAMS. Consular access is supposed to be a normal, quiet businesslike meeting with the citizen of your country so you can ask him or her about the conditions under which he or she is being held, about any messages to be passed back.

It is supposed to be a business meeting. It is not supposed to be a circus.

Mr. HYDE. And, of course, the dumping of the two bodies at the gates of the Embassy—I don't suppose Father D'Escoto gave the last rites over them—was another act of civility.

Now, speaking of the Neutrality Act, I am told we maintain an embassy and relations with the country of Afghanistan. Is that correct?

Mr. ABRAMS. That is correct. We have diplomatic relations, and there is a U.S. Embassy.

Mr. HYDE. Now, suppose—I am just speculating—there was a program of aid to freedom fighters over there called the Mujahiddin. Would you say anybody that cooperated “from thence to there,” to use the language of the act, would be guilty of violating the Neutrality Act? Or is it different if it is in a different hemisphere or eight time zones away?

Mr. ABRAMS. Two answers.

I think legally, first of all, one needs to distinguish Government activity, which is permissible under the act, from private citizen activity.

Mr. HYDE. If I may remind the gentleman, there was a recent case in which Ron Dellums was the plaintiff and that case held that Federal officials of the executive department are liable.

Now, the case was reversed on another ground, on the lack of standing, but the finding of the district court that Federal officials are responsible is still an un rebutted finding in a case that was dismissed on other grounds.

Now, I don't pretend to know the answer, but as long as we are going to get very meticulous on this Neutrality Act, I think many of us may be in jeopardy of indictment if we ever consider supporting the Mujahiddin, because Afghanistan is a Government we recognize.

I throw that out for what it is worth.

Mr. ABRAMS. I am delighted. I can't help adding Krauthammer's law, the statement by Charles Krauthammer the enthusiasm for supporting resistance forces by some people in Congress tends to wane as those forces get closer to the United States, and the further away they are the more popular they are.

Mr. HYDE. Cambodia and Afghanistan are areas we would do everything we could, if only we could, but get in our hemisphere and our enthusiasm wanes.

It was said earlier the purpose of this hearing—I think it was said with some passion by the gentleman from Massachusetts, who unfortunately has left—is to gather information.

Now, do you know, Mr. Secretary, any reason why the Speaker, who called for these hearings on Friday—is he not talking to the Democratic members of the House Intelligence Committee? Are they at odds with each other?

I am suggesting he could talk to Lee Hamilton. He could talk to Lou Stokes. He could talk to Dave McCurdy, Tony Beilenson. He could talk to Bob Kastenmeier, no conservative. He could talk to Bob Roe. George Brown, Dan Daniels, Matt McHugh, Bernard Dwyer—they all attended hearings where you testified only yesterday.

Mr. ABRAMS. That is correct.

Mr. HYDE. This was gone into exhaustively and exhaustingly, and if information is what they want, do you know any reason why the gentlemen on this committee or the Speaker, for that matter, couldn't just have a little chat with the chairman and Democrat-

ic—I know he wouldn't want to talk to us, we are just Republican—but the Democratic members of that committee?

Mr. ABRAMS. I would recommend it.

Mr. BARNES. The time of the gentleman has expired. I am sure the Speaker would be happy to talk to the gentleman.

Mr. HYDE. You will suggest that to him in between writing "Dear Commandante" letters to get our man treated more fairly?

Mr. BARNES. The Chair recognizes the distinguished member of the full committee who has joined us for the hearing this afternoon, Mr. Levine of California.

Mr. LEVINE. I thank the gentleman and I want to commend the Chair for calling these hearings. He is doing it at a very difficult time in an effort to adjourn the Congress with a variety of other activities going on and I think he has done a marvelous job, as usual.

I, unfortunately, was not privy to the Intelligence Committee hearing yesterday, and, Mr. Secretary, it is possible you went over some of this at that time.

SAUDI ARABIA INVOLVEMENT IN PRIVATE FUNDING OF CONTRAS

But I believe it is appropriate to review this in public hearings, as well. There have been, as I am sure you know, a variety of newspaper accounts, some dating back several months, alleging—and in these newspaper accounts citing a variety of sources, unnamed, but different sources alleging that there has been explicit Saudi Arabian involvement in the funding of private assistance to the Contras, and, in fact, specifically alleging in several of these stories that as a quid pro quo, if you will, for the United States' sale to Saudi Arabia of the AWACS [Airborne Warning and Control System] approved in 1982, that the Saudis would cooperate in a back door fashion with those efforts that have been occurring privately to fund the Contras.

Most recently, in the past several days, allegations of Saudi involvement in these activities have surfaced on the front page of the Los Angeles Times, on the front page of Newsday, and throughout the chain of the Hearst newspapers, and in most of these stories, one of the links that has been mentioned has been a former Air Force general by the name of Richard Secord.

I don't have any knowledge other than what I have read in these newspapers. They have been so prominent as to reach the front page of the major newspaper in my area, the Los Angeles Times.

I addressed these questions many months ago, when they first occurred, to Assistant Secretary of State Richard Murphy in a hearing of the Europe and the Middle East Subcommittee.

And Secretary Murphy, for whom I have the highest regard, both professionally and personally and who is ordinarily one of the most guarded and cautious and careful of witnesses, instead of responding as he frequently does with saying, "I will have to get back to you, I will have to check, I will have to look into it," gave us a very clear and flat denial.

Mr. ABRAMS. That is correct.

Mr. LEVINE. And said there was no involvement whatsoever. I am interested in your specific response, and having heard the two-

word responses, I am interested in your thoughts as to why these reports continue to recur from such disparate sources, and in the context of these reports they appear to be coming from very different places.

The L.A. Times quoted, I believe, sources in the Contra leadership, whereas Newsday quoted sources in the U.S. Government.

And I am interested in as much information as you might be able to provide to us on this subject.

Mr. ABRAMS. Well, first, Secretary Murphy told you what is true. There have been no arrangements with those characteristics. I remind you of the so-called Pell amendment—

Mr. LEVINE. The what?

Mr. ABRAMS. The Pell amendment, which makes it unlawful to condition United States aid or assistance of any sort on help for the resistance forces in Nicaragua. That would apply to any foreign government.

Now, why do people say this? People say lots of things that are lies. I pick up the newspaper every morning and people say the CIA was involved in this. If they know what they are talking about then they are lying. I cannot even speculate as to why anybody would say it.

Obviously, some people think—well, I can speculate. Some people think they are going to build themselves up with reporters by giving them a scoop, although it happens to be a lying scoop. Maybe they think they are helping or hurting the resistance. I don't know.

All I know is it isn't true.

Mr. LEVINE. Have you read these reports, specifically the one in Newsday—

Mr. ABRAMS. I didn't read it, but I was told about it.

Mr. LEVINE. Let me read you two sentences, and I would be interested in your response to these.

"U.S. Defense sources disclosed yesterday that the flight,"—and this was the Hasenfus flight—"had been paid for by Saudi Arabian funds. This was confirmed by an Intelligence Committee senior staff member."

Had you heard either of those?

Mr. ABRAMS. No, I hadn't. Assuming the reporter talked to a senior staffer, I wish the Intelligence Committee would find out who that person is, because he or she is lying to the press about things never said to the Intelligence Committee.

If they had been said, the staffer needs to go to jail anyway for violating the secrecy of that committee, but that had never been said, so it is just a flat out lie.

Mr. LEVINE. When you do get allegations of this nature, do you or your Department do anything to investigate where they come from, their veracity or anything else about them?

Mr. ABRAMS. We have our hands full investigating leaks from within the administration. We leave the ones from the Hill to your tender mercies.

Mr. LEVINE. The first one was not from the Hill; it was from the Defense Department.

Mr. ABRAMS. No, I have no idea.

Mr. LEVINE. But you make a total, complete, flat denial of the entire allegation. This isn't a question of your not knowing. This is a question of your knowing that it is flatly untrue.

Mr. ABRAMS. I have, in fact—I know Assistant Secretary Murphy said that. I do not believe it is conceivable that such a thing could happen without my knowing about it, given my position.

Mr. BARNES. The time of the gentleman has expired. We have a vote on.

Mr. Roth, who is not a member of the subcommittee but a member of the full committee, has been very patient. Have you got a couple of quick questions, Toby? I was going to let the Secretary go.

Mr. ROTH. If I could just have 30 seconds.

Mr. BARNES. Great.

Mr. ROTH. Thank you, Mr. Chairman.

You have stated no one has yet had access, including the Red Cross or any doctors to Mr. Hasenfus, other than the U.S. consul, who was allowed about 11 minutes with him. I am very much concerned about Mr. Hasenfus, as are all the Members of Congress.

I also have a personal interest in the case of Mr. Hasenfus. He is a constituent of mine. As you know, as we discussed last week, I have asked our mission at the United Nations to request the Secretary General to appoint a special representative to Nicaragua to act as an intermediary and to investigate Mr. Hasenfus physical and psychological condition.

I would appreciate your help in that endeavor and ask the members of this committee to do likewise.

Mr. ABRAMS. Thank you.

I might add, pressure comes from Congress to allow him to be, for example, examined by an independent doctor, say, from the United Nations or something like that, or the International Red Cross in Switzerland, would be very helpful, because it would seem, I think, less political than pressure from the administration might, and might, therefore, move the Sandinistas more.

So, I would hope many Members of Congress would join you, as Mr. Hasenfus' Congressman, in expressing your views as strongly as you have.

Mr. ROTH. Thank you, Mr. Chairman.

Mr. BARNES. I would be happy to join Mr. Roth and any other Members in writing that "Dear Commandante" letter, urging the Sandinistas to permit medical examination of Mr. Hasenfus and permit his wife to visit him.

Mr. Secretary, thank you very much for being with us this afternoon.

The subcommittee will stand in recess until this vote is completed, at which time we will hear the next witnesses.

[Recess.]

Mr. BARNES. The subcommittee will reconvene.

Our witnesses who will be appearing before the subcommittee now are the Honorable Robert White, former United States Ambassador to El Salvador; Lt. Col. Edward L. King, retired; and Daniel Sheehan, Esquire.

Gentleman, I apologize to you for the delay. I think you have all been here, so you know what preceded you and why it took longer than one would have normally anticipated.

We are, nonetheless, very grateful to you for your willingness to appear today to present your views on the matter of the downing of the United States plane in Nicaragua and the United States' involvement in the Contra war.

Mr. Ambassador, you are no stranger to the Foreign Affairs Committee. We welcome you back and ask if you would lead off.

**STATEMENT OF HON. ROBERT E. WHITE, FORMER U.S.
AMBASSADOR TO EL SALVADOR**

Mr. WHITE. Thank you, Mr. Chairman.

Mr. BARNES. I would suggest we hear from all three witnesses and I am sure some of my colleagues will be returning, and I certainly have some questions for you.

Mr. WHITE. In the interest of time, I will abbreviate my written statement.

First, I would like to associate myself with those who expressed sympathy for the suffering people of El Salvador in the wake of this terrible tragedy, the earthquake.

Second, I would like to extend my sympathy to the families of the airmen who lost their lives in the crash and express the hope that the Sandinista government treats Mr. Hasenfus in a generous and proper way.

The International Center, of which I am president, has produced a summary report on the evidence of criminal activity by the Contras, and I would like to leave a copy with the subcommittee at this time to be entered into the record.¹

What we are concerned with today, however, is an event not involving the behavior of the Contras, per se. It has to do with the extraordinary matter of the shooting down over Nicaraguan territory on October 5 of this year of a United States manufactured C-123 aircraft, owned by a United States corporation, based in the United States, flown by a crew composed in its majority of United States citizens from an airbase in El Salvador over which the United States exercises substantial control. At this base the aircraft was loaded and serviced by a crew of U.S. citizens, and supervised by U.S. citizens with lethal material of war, rifles, grenades, grenade launchers, and munitions.

As you know, the U.S. Government is prohibited by the terms of the International Security and Development Cooperation Act of 1985 from providing military aid to the Contras.

The surviving crew member of the downed aircraft, Mr. Eugene Hasenfus, has stated that Central Intelligence Agency personnel supervised and took part in the operations at Ilopango Air Force Base in El Salvador.

His statements have been corroborated in the New York Times article of October 14, 1986 by James Le Moyne entitled, "U.S. Officials linked to Aircraft of Contra Supply."

¹ The document referred to is on file in subcommittee offices.

USE OF ILOPANGO AIRBASE POSSIBLE ONLY WITH U.S. APPROVAL

As the former Chief of Mission of the United States Embassy in El Salvador, I will state that the use by United States citizens of Ilopango airfield or any other airfield in El Salvador would only be possible with the approval of responsible officers of the United States Government.

The identity cards and military passes carried by the crew members of the downed C-123 indicate to me that the U.S. Government exercised some control and direction over their activity.

As the delivery of lethal material of war was the purpose and result of the operations at Ilopango, of which the flight down in Nicaragua was a part, there was in my opinion a clear violation of the International Security and Development Act prohibition of such deliveries.

Official sources assure me the Central Intelligence Agency bears primary responsibility for covert United States Government operations inside the Ilopango airport. If this is correct, there has been a violation of the Foreign Aid Authorization Act's prohibition on the operation of the CIA in the provision of supplies to the Contras.

It is not credible that such operations were actually of a private kind or that they could have taken place without the approval, assistance and active participation of United States Government agencies in El Salvador and the knowledge of higher authorities in the United States.

The people of the United States should have confidence that the policies pursued by their Government are based on a true representation of the fact. In my opinion, the Congress should delay the expenditure of the money voted for Contra aid in the current appropriations legislation until the questions about this affair can be cleared up through a complete investigation.

My time here will not permit me to list all the questions I think need to be answered. However, I have here a number of areas for query written down. I would like to submit them to the chairman now for such use as he, the rest of the subcommittee and its staff, can make of them. These are suggested questions.²

GOVERNMENT SPOKESMEN DENY INVOLVEMENT

In the last 10 days, every important spokesperson for the administration—the President, the Secretary of State, the CIA Director and others—have denied involvement with the incident last week in Nicaragua. These denials, along with the recent administration disinformation on Libya are creating a credibility gap for the President's men. After months of our own investigation, I feel certain that the story we are watching unfold is tragic.

Recall that the administration which today denies any involvement with the C-123 incident is the same administration which denied it sponsored the Contras, which denied mining the harbors of Nicaragua, and denied responsibility for the CIA murder manual.

² The document referred to is on file in subcommittee offices.

I can only hope the Congress will use its authority to put an end to this policy which brings such to the people of Central America and discredit on the United States Government. Once again, I thank you for the opportunity to appear today on this important matter. I want to express my appreciation as a citizen for the distinguished work of the retiring chairman, Michael Barnes.

Mr. BARNES. Thank you very much.

[Ambassador White's prepared statement follows:]

PREPARED STATEMENT OF ROBERT E. WHITE, PRESIDENT, INTERNATIONAL CENTER FOR
DEVELOPMENT POLICY

1. THE INTERNATIONAL CENTER FOR DEVELOPMENT POLICY, OF WHICH I AM PRESIDENT, HAS DEVOTED CONSIDERABLE RESOURCES THIS YEAR TO EXAMINING CHARGES THAT THE FORCES SUPPORTED BY THE UNITED STATES GOVERNMENT ENGAGED IN ARMED OPPOSITION TO THE NICARAGUAN GOVERNMENT, THE SO-CALLED DEMOCRATIC RESISTANCE FORCES OR CONTRAS, HAVE BEEN INVOLVED IN A WIDE RANGE OF CRIMINAL ACTIVITIES THAT VIOLATE UNITED STATES LAW. THESE ACTIVITIES INCLUDE NARCOTICS TRAFFICKING, ARMS SMUGGLING, VARIOUS CURRENCY OFFENSES AND OTHER CRIMES UP TO AND INCLUDING MURDER. THE EXTENT TO WHICH THE CONTRA LEADERS ARE INVOLVED AND WHETHER IN EVERY CASE REPORTED BY THE PRESS THE PERSONS CHARGED WERE IN REALITY MEMBERS OF THE FORCES SUPPORTED BY THE UNITED STATES GOVERNMENT CAN BE DISPUTED. THAT THESE CRIMES HAVE BEEN COMMITTED BY MEMBERS OF THE CONTRA FORCES CANNOT. FOR EXAMPLE, IN JANUARY, 1983, FEDERAL AGENTS ARRESTED TWO NICARAGUANS IN SAN FRANCISCO, ON CHARGES OF SMUGGLING 430 POUNDS OF COLOMBIAN COCAINE. BOTH MEN CLAIMED THAT THEY WERE WORKING FOR ORGANIZATIONS OF THE NICARAGUAN RESISTANCE. ON THE STRENGTH OF THIS PLEA, BACKED UP BY LETTERS FROM NICARAGUAN EXILES IN COSTA RICA CLAIMING TO BE OFFICERS OF GROUPS ASSOCIATED WITH FERNANDO CHAMORRO, ONE OF THE LEADERS OF THE SO-CALLED UNITED NICARAGUAN OPPOSITION SUPPORTED BY THE UNITED STATES GOVERNMENT, FEDERAL AUTHORITIES RETURNED TO THOSE INDIVIDUALS OVER \$32,000 SEIZED FROM ONE OF THE ARRESTEES, A MOST UNUSUAL PROCEDURE.

WHETHER OFFICIALS OF THE UNITED STATES GOVERNMENT INVOLVED IN THE CONTRA PROGRAM CONDONED OR ABETTED THESE CRIMES AND TO WHAT EXTENT CAN BE DISPUTED. THAT IN A NUMBER OF INSTANCES THEY WERE AWARE OF THEM AND DID NOT ACT IN A VIGOROUS MANNER TO STOP THEM, ARGUABLY BECOMING CRIMINALLY LIABLE THEMSELVES, CANNOT. FOR EXAMPLE, MANY FORMER AND CURRENT CONTRA LEADERS, SUCH AS FRANCISCO CARDENAL WHO SUPPORT THE ANTI-SANDINISTA FORCES, HAVE COMPLAINED OF MASSIVE FRAUD BY THE LEADERS OF THE MAIN CONTRA GROUP, THE FDN, ESPECIALLY ITS MILITARY CHIEF, ENRIQUE BERMUDEZ, IN THE HANDLING OF UNITED STATES FUNDS AND EVEN OF THEIR INVOLVEMENT IN MURDER. CARDENAL TOLD ALAN BERLOW OF NATIONAL PUBLIC RADIO ON JUNE 21, 1986, THAT HE COMPLAINED TO UNITED STATES OFFICIALS BUT THAT THEY DID NOTHING. THE FREQUENCY AND DETAILED NATURE OF SUCH CHARGES REQUIRES THAT THEY BE TAKEN SERIOUSLY.

THE INTERNATIONAL CENTER HAS PRODUCED A SUMMARY REPORT ON THIS SUBJECT, AND I WOULD LIKE TO LEAVE A COPY WITH THE SUB-COMMITTEE AT THIS TIME TO BE ENTERED INTO THE RECORD.

2. WHAT WE ARE CONCERNED WITH TODAY IS AN EVENT NOT INVOLVING THE BEHAVIOR OF THE CONTRAS PER SE. IT HAS TO DO WITH THE EXTRAORDINARY MATTER OF THE SHOOTING DOWN OVER NICARAGUAN TERRITORY ON OCTOBER 5 OF THIS YEAR OF A UNITED STATES MANUFACTURED C-123 AIRCRAFT, OWNED BY A UNITED STATES CORPORATION BASED IN THE UNITED STATES, FLOWN BY A CREW COMPOSED IN ITS MAJORITY OF UNITED STATES CITIZENS FROM AN AIRBASE IN EL SALVADOR OVER WHICH THE UNITED STATES GOVERNMENT EXERCISES SUBSTANTIAL CONTROL AND AT WHICH BASE IT WAS LOADED AND SERVICED BY A CREW OF UNITED STATES CITIZENS SUPERVISED BY A UNITED STATES CITIZEN WITH LETHAL MATERIAL OF WAR (RIFLES, GRENADE LAUNCHERS AND MUNITIONS).

THE UNITED STATES GOVERNMENT IS PROHIBITED BY THE TERMS OF THE INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985 (WHICH INCORPORATES THE \$27 MILLION IN SO-CALLED HUMANITARIAN ASSISTANCE FOR THE CONTRAS) FROM PROVIDING MILITARY AID TO THE CONTRAS. THE SURVIVING CREW MEMBER OF THE DOWNED AIRCRAFT, MR. EUGENE HASENFUS, HAS STATED THAT CENTRAL INTELLIGENCE AGENCY PERSONNEL SUPERVISED AND TOOK PART IN THE OPERATIONS AT ILOPANGO AIR BASE IN EL SALVADOR OF WHICH HIS FLIGHT WAS A PART. HIS STATEMENTS HAVE BEEN CORROBORATED IN A NEW YORK TIMES ARTICLE OF OCTOBER 14, 1986 BY JAMES LE MOYNE ENTITLED, "U.S. OFFICIALS LINKED TO AIRLIFT OF CONTRA SUPPLIES." PARTICIPATION BY THE CIA IN PROVISION OF ANY ASSISTANCE TO THE CONTRAS IS ALSO EXPRESSLY PROHIBITED BY THE TERMS OF THE INTERNATIONAL SECURITY AND DEVELOPMENT ACT OF 1985. THE PROHIBITION APPLIES, I BELIEVE, TO EITHER DIRECT OR INDIRECT PARTICIPATION.

3. AS A FORMER CHIEF OF MISSION OF THE UNITED STATES EMBASSY IN EL SALVADOR I WILL STATE THAT THE USE, BY UNITED STATES CITIZENS, OF ILOPANGO AIRFIELD, OR ANY OTHER AIRFIELD, IN EL SALVADOR WOULD ONLY BE POSSIBLE WITH THE APPROVAL OF RESPONSIBLE OFFICERS OF THE UNITED STATES GOVERNMENT. THE IDENTITY CARDS AND MILITARY PASSES CARRIED BY THE CREW MEMBERS OF THE DOWNED C-123 INDICATE TO ME THAT THE UNITED STATES GOVERNMENT EXERCISED CONTROL AND DIRECTION OF THEIR ACTIVITIES. AS THE DELIVERY OF LETHAL MATERIAL OF WAR WAS THE PURPOSE AND RESULT OF THE OPERATIONS AT ILOPANGO, OF WHICH THE FLIGHT DOWNED IN NICARAGUA WAS A PART, THERE WAS, IN MY OPINION, A CLEAR VIOLATION OF THE INTERNATIONAL SECURITY AND DEVELOPMENT ACT PROHIBITION OF SUCH DELIVERIES. OFFICIAL SOURCES ASSURE ME THAT THE CENTRAL INTELLIGENCE AGENCY BEARS PRIMARY RESPONSIBILITY FOR UNITED STATES GOVERNMENT

OPERATIONS INSIDE THE ILOPANGO AIRPORT. IF THIS IS CORRECT, THERE HAS BEEN A VIOLATION OF THE FOREIGN AID AUTHORIZATION ACT'S PROHIBITION ON THE PARTICIPATION OF THE CIA IN THE PROVISION OF SUPPLIES TO THE CONTRAS.

THUS, ON AT LEAST TWO COUNTS, THE EXECUTIVE BRANCH OF THE UNITED STATES GOVERNMENT, IN THIS MATTER, HAS BEEN IN VIOLATION OF THE LAW PASSED BY THIS CONGRESS TO REGULATE THE RELATIONS OF THE UNITED STATES WITH THE CONTRA FORCES.

4. ASSISTANT SECRETARY OF STATE ABRAMS WAS QUOTED IN JAMES RESTON'S COLUMN IN THE NEW YORK TIMES OF SUNDAY, OCTOBER 12, 1986, AS HAVING SAID, "WHAT HAS KEPT THE [NICARAGUAN] RESISTANCE ALIVE HAS BEEN PRIVATE HELP. SOME MEMBERS OF CONGRESS ACCUSE US OF APPROVING OF THIS WITH A WINK AND A NOD. A WINK AND A NOD, HELL! WE THINK IT HAS BEEN FINE."

BY THIS STATEMENT, MR. ABRAMS APPROVES OF ACTIVITIES PROHIBITED BY UNITED STATES LAW. AS A STATE DEPARTMENT OFFICER I ASSUME HE IS FAMILIAR WITH 18 US CODE, SEC. 960, EXPEDITION AGAINST FRIENDLY NATION, COMMONLY KNOWN AS THE NEUTRALITY ACT. THIS IS NOT SOME ANTIQUE DEAD LETTER. IT IS ONE OF THE LAWS OF THE UNITED STATES WHICH THE PRESIDENT SWEARS FAITHFULLY TO EXECUTE. IT READS: "WHOEVER, WITHIN THE UNITED STATES, KNOWINGLY BEGINS OR SETS ON FOOT OR PROVIDES OR PREPARES A MEANS FOR OR FURNISHES THE MONEY FOR, OR TAKES PART IN, ANY MILITARY OR NAVAL EXPEDITION OR ENTERPRISE TO BE CARRIED ON FROM THENCE AGAINST THE TERRITORY OR DOMINION OF ANY FOREIGN PRINCE OR STATE, OR OF ANY COLONY, DISTRICT, OR PEOPLE WITH WHOM THE UNITED STATES IS AT PEACE, SHALL BE FINED NOT MORE THAN \$3000 OR IMPRISONED NOT MORE THAN THREE YEARS OR BOTH."

IT DOES NOT REQUIRE ANY PROCLAMATION OF NEUTRALITY TO PUT THE LAW IN EFFECT. I AM NOT AWARE OF ANY OCCASION IN MODERN TIMES WHEN A RESPONSIBLE OFFICIAL OF THE UNITED STATES GOVERNMENT HAS STATED APPROVAL OF THE VIOLATION OF THE NEUTRALITY ACT. ADD TO THIS, THE REFUSAL OF THIS ADMINISTRATION TO OBEY THE ORDER OF THE INTERNATIONAL COURT OF JUSTICE TO CEASE AND DESIST FROM ITS ASSISTING THE CONTRAS, AND WE HAVE THE SPECTACLE OF A UNITED STATES GOVERNMENT PROCLAIMING THAT NOT ONLY DOES IT NOT INTEND TO ABIDE BY INTERNATIONAL LAW BUT THAT IT REFUSES TO RECOGNIZE OR ENFORCE ITS OWN LAWS GOVERNING ITS INTERNATIONAL CONDUCT.

5. WITH REGARD TO THE FLIGHT THAT ENDED IN TRAGEDY IN NICARAGUA ON OCTOBER 6, I REPEAT MY CONCLUSION THAT IT IS NOT CREDIBLE THAT SUCH OPERATIONS WERE ACTUALLY OF A PRIVATE CHARACTER OR THAT THEY COULD HAVE TAKEN PLACE WITHOUT THE APPROVAL , ASSISTANCE AND ACTIVE PARTICIPATION OF UNITED STATES GOVERNMENT AGENCIES IN EL SALVADOR AND THE KNOWLEDGE OF HIGHER AUTHORITIES IN THE UNITED STATES. FURTHER, I BELIEVE THE FLIGHTS IN QUESTION WERE IN VIOLATION OF EXISTING UNITED STATES LAW, BOTH THE NEUTRALITY ACT AND THE CURRENT LEGISLATION OF THIS CONGRESS REGARDING SUPPORT FOR THE CONTRA FORCES, THE DENIALS OF ADMINISTRATION OFFICIALS NOTWITHSTANDING.

THE PEOPLE OF THE UNITED STATES SHOULD HAVE CONFIDENCE THAT THE POLICIES PURSUED BY THEIR GOVERNMENT ARE BASED ON A TRUE REPRESENTATION OF THE FACTS. IN MY OPINION, THE CONGRESS SHOULD DELAY THE EXPENDITURE OF THE MONIES VOTED FOR CONTRA AID IN THE CURRENT APPROPRIATIONS LEGISLATION UNTIL THE QUESTIONS ABOUT THIS AFFAIR CAN BE CLEARED UP

THROUGH A COMPLETE INVESTIGATION.

MY TIME HERE WILL NOT PERMIT ME TO LIST ALL THE QUESTIONS I THINK NEED TO BE ANSWERED. HOWEVER, I HAVE HERE A NUMBER OF AREAS FOR INQUIRY WRITTEN DOWN. I WOULD LIKE TO SUBMIT THEM TO THE CHAIRMAN NOW FOR SUCH USE AS HE, THE REST OF THE SUB-COMMITTEE AND ITS STAFF CAN MAKE OF THEM.

IN THE LAST TEN DAYS, EVERY IMPORTANT SPOKESMAN FOR THE ADMINISTRATION -- THE PRESIDENT, THE SECRETARY OF STATE, THE CIA DIRECTOR, AND OTHERS -- HAVE DENIED INVOLVEMENT WITH THE INCIDENT LAST WEEK IN NICARAGUA. THESE DENIALS ALONG WITH THE RECENT ADMINISTRATION DISINFORMATION ON LIBYA ARE CREATING A "CREDIBILITY GAP" FOR THE PRESIDENT'S MEN.

ALL AMERICANS REMEMBER THAT WATERGATE WAS DISMISSED FOR MONTHS AS A SECOND-RATE BURGLARY. ALL AMERICANS REMEMBER THAT IT TOOK SEVERAL CONGRESSIONAL COMMITTEES WORKING MONTH AFTER MONTH, ALONG WITH CASE AFTER CASE IN THE FEDERAL COURTS, TO FINALLY DRIVE THE TRUTH ABOUT WATERGATE INTO THE OPEN.

AFTER MONTHS OF OUR OWN INVESTIGATION -- AT THE INTERNATIONAL CENTER, AND WITH SENATOR KERRY'S STAFF -- I FEEL CERTAIN THAT THE STORY WE ARE WATCHING UNFOLD IS TRAGIC. RECALL THAT THE ADMINISTRATION WHICH TODAY DENIES ANY INVOLVEMENT WITH THE C-123 INCIDENT IS THE SAME ADMINISTRATION WHICH DENIED IT SPONSORED THE CONTRAS, WHICH DENIED IT MINED THE HARBORS OF NICARAGUA, AND WHICH DENIED IT WAS RESPONSIBLE FOR THE PUBLICATION OF THE CIA MURDER MANUAL. I CAN ONLY HOPE THAT THE CONGRESS WILL USE ITS AUTHORITY TO PUT AN END TO THIS POLICY WHICH BRINGS SUFFERING TO THE PEOPLE OF CENTRAL AMERICA AND DISCREDIT ON THE

UNITED STATES GOVERNMENT.

ONCE AGAIN, I THANK YOU FOR THE OPPORTUNITY TO APPEAR TODAY ON THIS IMPORTANT MATTER. ALSO, I WANT TO REPEAT MY APPRECIATION, AS A CITIZEN, FOR THE DISTINGULSHED WORK OF YOUR RETIRING CHAIRMAN, MICHAEL BARNES.

Mr. BARNES. Colonel King, welcome back.

**STATEMENT OF LT. COL. EDWARD L. KING (RET.), CENTRAL
AMERICAN MILITARY EXPERT**

Colonel KING. Thank you, Mr. Chairman. I would like to associate myself first with Ambassador White's comments about our fellow citizen who is being held prisoner in Nicaragua. I hope they will release him soon and treat him well in the meantime. Let me also express my sorrow for the death of the Americans killed in the crash of this aircraft.

I would like to take this opportunity, too, Mr. Chairman, to say it is an honor to be invited to testify again before a hearing of the subcommittee, particularly since this is one that possibly may be your last to chair. As a constituent of yours and a person long concerned with the foreign policy of our Nation in Latin America, I would like to express my respect to you for the thoughtful manner in which you have chaired the subcommittee over the past 6 years and the very substantive work which I believe it has undertaken, under your leadership to help further peaceful negotiations of the crisis in Central America.

Mr. Chairman, gentlemen of the subcommittee, in April of this year at your invitation, I testified before you and expressed my concern over the long-term outcome of the administration's exaggerated reporting and the political manipulation attempted at that point in time during the debate on the Contra aid bill over the Nicaragua incursion into Honduras in attacking the Contras.

Now the situation is repeating itself with the downing in Nicaragua of a United States-built C-123 aircraft carrying weapons to the Contras, the death of two American citizens and the capture of a third American by the Sandinistas.

We again find the administration in difficulty trying to deny and in some way manipulate a situation which is detrimental to U.S. foreign policy and our international image, as well as involving the possible skirting of U.S. law by some high administration officials.

LITTLE EXPLANATION OF GOVERNMENT INVOLVEMENT

Mr. Chairman, there has been an extensive reporting in the press on the shooting down of a supply plane flying arms to the Contras, but as yet there has been little explanation by our Government of what, if any, involvement it had in allowing three American citizens to participate in the guerrilla war, which has been going on in Nicaragua for some time.

Nor has the administration been forthcoming in answering the many questions that have been raised by the capture of Mr. Eugene Hasenfus and his subsequent statements regarding his employment by Corporate Air Services and Southern Air Transport. Both of these organizations have been reported in the press to have connections in the past with the Central Intelligence Agency.

What has been established by Mr. Hasenfus' statements is that he was hired by a firm called Corporate Air Services to fly arms to the Contras operating inside Nicaragua.

He says he worked out of Ilopango military airbase in El Salvador, making flights to the El Aquacate airbase built by United

States Army engineers in Honduras in 1984 and also flying over Costa Rica into Nicaragua to make air drops.

At the time of his capture, Mr. Hasenfus was in possession of a Salvadoran identification card which has appeared in the press, which indicates it was signed by the—and I quote—Chief of the Armed Forces of El Salvador, which indicated on this card, this carnet, that he was a member of Group U.S.A. with the function of—and again I quote—"advisor."

The Chief of the Joint Staff of the Armed Forces of El Salvador, General Blandon, as of yesterday, denied such a card had ever been issued. So we have seen the card in the press, but there is now a denial such a card has been issued.

Mr. Hasenfus also identified a Mr. Max Gomez, another U.S. citizen living in El Salvador, as directing the Contra aerial resupply effort from the headquarters of the Salvadoran Air Force in Ilopango Air Base.

Later press releases have linked Mr. Gomez with the Vice President of the United States who has admitted meeting with Mr. Gomez, but denies any involvement with the Contra resupply operation.

Mr. Chairman, for those of us who have some years of experience with and firsthand knowledge of what has been happening in Central America over the past 6 years, all of this just gets curiouser and curiouser, as they say.

It has been common knowledge among people that I know and I think many other people who have spent considerable time in El Salvador, that in the past aircraft have flown from Ilopango Air Base to deliver arms to Eden Pastora's forces in Costa Rica.

It has been widely known El Aquacate Air Field in Honduras was being used and is being used now, as an aerial resupply point for the Contras with planes flying in from Ilopango and Miami. This is not something that has just started happening. It has been going on for at least 3 years and many people have been aware of it. I happen to be one of them. Yet, the administration at this point, as we have just heard, denies any knowledge or any involvement of this matter. This seems to me, Mr. Chairman, to be a very foolish stonewalling on the part of the administration.

ONLY AUTHORIZED PERSONNEL ALLOWED ON ILOPANGO AIRBASE

As I say, having been at Ilopango Air Base over the past 4 years, I know that it is one of the highest security bases in El Salvador, an American couldn't get on that base unless he is one of the United States military advisers that are assigned to work on the base, a member of the United States Embassy, a person vouched for by the Embassy or escorted by an Embassy officer, or a person being brought on the base under escort by a Salvadoran military officer.

During my visits to the base, I have frequently observed several U.S. citizens in civilian attire working out of an office in the main building on the base. In my estimation, these U.S. personnel, which Mr. Hasenfus could possibly be one, could not have been working at Ilopango without the knowledge of the U.S. Embassy and the U.S. military group adviser who had the office right next door to

them and spent regularly assigned periods of duty on the base every day.

To me, it is impossible to seriously believe that neither the United States Embassy or the Salvadoran Government were aware of the presence and the work of Mr. Gomez, Mr. Cooper, and Mr. Hasenfus at Ilopango, not to mention the aircraft that had been parked on the far right side of the runway at Ilopango for the past 2 years and when people asked about them were always told that those are aircraft that don't belong to us.

To continue to issue blanket denials of any knowledge of this entire matter seems to me is only going to make the situation much worse for the administration when the press eventually discovers and reveals the full extent of the Administration's involvement in this covert private war that has been carried on for the past 2 years from bases in Honduras, El Salvador and sometimes Costa Rica.

At best, the administration is going to appear disingenuous in its repeated denials of any knowledge of this widespread net of semiofficial help to the contras. The questions are logical.

Where is the money to buy the aircraft coming from? Who pays the crews? How is the money channeled if it is not official U.S. funding? These questions are going to continue to haunt the administration.

Mr. Chairman, in my opinion, the most serious issue in this matter of the administration's policy of conducting a hidden, private war in Central America without the knowledge and consent of you gentlemen of the Congress is its pernicious effect on our own Government and our own international reputation.

OFFICE OF VICE PRESIDENT LINKED TO COVERT OPERATIVES

Here we have the office of the Vice President of the United States being directly linked in the press to covert operatives of unknown character and background, conducting uncontrolled military actions from friendly foreign countries against a country with which we maintain diplomatic relations.

In my recollection, not since the days of Vice President Agnew, has the Office of the Vice President of the United States been linked with such a collection of questionable characters. And what does this contemptuous administration policy of conducting a private, hidden war without the consent of the Congress do to our own democratic institutions, not to mention those of the fragile emerging democracies in Latin America?

What kind of international credibility can our Government have when it is repeatedly found to be involved in issues which it appears to be lying about, or being incomplete in its answers.

Incompetently conducting these covert war actions against a state with which we maintain diplomatic relations undermines our credibility in my estimation. I make no case for the Sandinista regime in Managua, Mr. Chairman, but it seems to me the actions of the Sandinistas are not the only important major issue we are dealing with here.

What concerns me and what I believe is at stake is the credibility of the United States Government in following an administra-

tion policy which in my opinion is a failure in Central America and through a policy of disinformation and occasionally at least winking at the law, is undermining our own democratic institutions at home.

When some of the highest officials of our Government are involved in skirting the laws of the United States or appearing to skirt those laws, then in my estimation, we are in serious trouble. That is what I see happening with these repeated hidden war disasters that this administration cannot deny it is responsible for allowing to happen.

How can the American people and our friends in Central America trust this administration with formulation of a coherent foreign policy when their record with this hidden war over the past 5 years is one of continued screwups and failures.

Furthermore, Mr. Chairman, what are the long-term consequences for the United States and Central America of the administration policy of this low intensity, hidden war against Nicaragua? I believe it is a policy which ignores the realities of the situation in Central America and ignores also the desires of most Latin Americans throughout the hemisphere. Rather than promoting the possibility of installing democracy and peace in Nicaragua, it makes it more unlikely to occur because it plays exactly to the issues and to the needs of the people who are subverting the democracy.

TOO LATE TO OVERTHROW SANDINISTAS MILITARILY

I believe sincerely it is too late to try to militarily overthrow the Sandinista government, that time passed in 1983. If we are going to overthrow them militarily, it is going to take U.S. combat troops to do the job. There is no substantial popular political support that I can discern inside of Nicaragua for the Contras and continued failed covert actions such as this downing of the C-123 supply plane detract from, rather than enhancing, what existing support there is for the Contra effort inside of Nicaragua.

What the administration is doing I believe, Mr. Chairman, with this shortsighted, behind-the-back, hidden war is continuing a situation which decreases the possibility for the Contadora nations to achieve a peaceful solution to the conflict in Central America and prolongs the needless killing process which is not going to reduce the Sandinista control or going to produce the democracy we say we seek.

At the same time, it causes consternation in our democratic friends in the region and throughout Latin America. For example, in the case of the downing of the C-123 and the unfortunate death and capture of some of our fellow citizens, the administration has seriously compromised and embarrassed the Governments of El Salvador, Honduras, and Costa Rica.

Mr. Chairman, I want to again congratulate you on your past chairmanship of this subcommittee, and urge you and your colleagues to, for the moment, at least, put aside your ideological perceptions and realistically look at the situation in Central America, evaluate where this administration's war policy is taking the United States in its future relations with Latin America and hopefully urge a step back from this slippery slope to larger war in Cen-

tral America which the administration seems stubbornly set on sliding down. And to accept the obvious facts of the need to allow the nations of Central America to begin to work out a peaceful solution to the conflict which suits their regional needs rather than our concerns.

We are at a policy crossroads, Mr. Chairman, if we continue on with a policy of emphasizing war rather than peace in Central America, then it is my heartfelt fear many more Americans are going to die and be captured in Central America. I would hope that we would turn instead to a policy of supporting regional peace initiatives.

Thank you, Mr. Chairman.

[The prepared statement of Colonel King follows:]

PREPARED STATEMENT OF EDWARD L. KING

Mr. Chairman, let me say first that I am honored to be invited to testify at one of the last hearings of the Subcommittee which you will chair. As a constituent and a person long concerned about the foreign policy of our nation in Latin America, I want to express my admiration and respect for the thoughtful manner in which you have chaired the Subcommittee and the substantive work which it has undertaken under your leadership to help further peaceful negotiation of the crisis in Central America.

Mr. Chairman, Gentlemen of the Subcommittee, in April of this year I testified before you and expressed my concern over the long-term outcome of the Administration's exaggerated reporting and political manipulation of the Nicaraguan incursion into Honduras to attack the Contras. Now, with the downing in Nicaragua of a U.S.- built C-123 aircraft, carrying weapons to the Contras, the death of two American citizens and the capture of a third American by the Sandinistas, the Administration once again finds itself in difficulty trying to deny and manipulate a situation which is detrimental to U.S. foreign policy and our

international image as well as involving the possible skirting of U.S. laws by high Administration officials.

Mr. Chairman, there has been extensive reporting in the press on the shooting down of the supply plane flying arms to the Contras. But as yet there has been little explanation by our government of what, if any, involvement it had in allowing three American citizens to participate in the guerrilla war going on in Nicaragua.

Nor has the Administration been forthcoming in answering the many questions that have been raised by the capture of Mr. Eugene Hasenfus and his subsequent statements regarding his employment by Corporate Air Services and Southern Air Transport. Both of these organizations are reported to have connections to the Central Intelligence Agency.

What has been established by Mr. Hasenfus's statements is that he was hired by a firm called Corporate Air Service to fly arms to Contras operating inside Nicaragua. He says he worked out of Ilopango Military Airbase in El Salvador making flights to the Aquacate Airbase, built by U.S. Army Engineers in Honduras in 1982, and also flying over Costa Rica into Nicaragua to make drops. At the time of his capture Mr. Hasenfus was in possession of a Salvadoran identification carnet signed by the "Chief of the Armed Forces of El Salvador" which indicated he was a member of a

"Group-USA" with the function of "adviser". Hasenfus also identified a Mr. Max Gomez, another U.S. citizen, as directing the Contra aerial resupply effort from the headquarters of the Salvadoran Air Force at Ilopango. Later press reports have linked Mr. Gomez with the Vice President of the United States, who admits meeting Mr. Gomez, but denies any involvement with the Contra resupply operation.

Mr. Chairman, for those of us who have experience with and first hand knowledge of, what has been happening in Central America over the past six years all of this just gets curiouser and curiouser. It has been known among people who have spent time in El Salvador that in the past aircraft have flown from Ilopango airbase to deliver arms to Eden Pastora's forces in Costa Rica. It has been known that Aquacate airfield in Honduras has been used as an aerial resupply point for the Contras, with planes coming from Ilopango and Miami. This is not something that just started to happen; it has been going on for at least three years and many people have known about it. Yet the Administration denies any knowledge or involvement.

This is very foolish stonewalling. I have been on Ilopango Airbase several times over the past four years and I know that it is one of the highest security bases in El Salvador. An American can't get on that base unless he is one of the U.S. military advisors that are assigned to work on the base, a member of the U.S. Embassy, a person vouched for by the Embassy or escorted by

a Salvadoran Officer. During visits to the base I have frequently observed several U.S. citizens in civilian attire, working out of an office in the main building on the base. In my estimation, U.S. personnel such as Mr. Hasenfus, could not have been working at Ilopango without the knowledge of the U.S. Embassy and the U.S. Military Group adviser regularly assigned at Ilopango.

It is impossible to seriously believe that neither the U.S. Embassy or the Salvadoran Government were aware of the presence and work of Mr. Gomez, Mr. Cooper and Mr. Hasenfus at Ilopango not to mention the aircraft parked at Ilopango used for Contra aid flights. To continue to issue blanket denials of any knowledge of the entire matter is only going to make the situation much worse when the press eventually discovers and reveals the full extent of Administration involvement in this covert, private war that has been carried on for the past two years from Honduras, El Salvador and sometimes Costa Rica. At best, the Administration is being disingenuous in its repeated denials of any knowledge of this widespread net of semi-official help to the Contras. Where is the money to buy these aircraft coming from? Who pays the crews? How is the money channelled if it is not official U.S. funding?

Mr. Chairman, in my opinion, the most serious issue in this matter of the Administration's policy of conducting a hidden private war in Central America without the knowledge and consent

of you gentlemen of the Congress, is its pernicious effect on our own government and our international reputation. Here we have the office of the Vice President of the United States being directly linked in the press to covert operatives of unknown character and background conducting uncontrolled military actions from friendly foreign countries against a country with which we maintain diplomatic relations. Not since the days of Vice President Agnew has the office of the Vice President of the United States been linked with such a collection of questionable shady characters.

And what does this contemptuous Administration policy of conducting a private hidden war without the consent of the Congress, do to our own democratic institutions, not to mention those of the fragile emerging democracies in Latin America. What kind of international credibility can our government have when it is repeatedly found to be involved in and lying about, incompetently conducted covert war actions against a state with which we maintain diplomatic relations? I make no case for the Sandinista regime in Managua. But Mr. Chairman, the actions of the Sandinistas is not the major issue here. What is at stake here is the credibility of the U.S. Government in following an Administration policy which is a failure in Central America, and through a policy of disinformation and winking at the law, is undermining our own democratic institutions at home. When some of the highest officials of our government are involved in skirting or outright violating the laws of the United States, then I

believe we are in serious trouble. And that is what I see happening with these repeated private war disasters that this Administration is responsible for allowing to happen. How can the American people and our friends in Central America trust this Administration with formulation of policy when their record is one of continued screw-ups and failures?

Furthermore, Mr. Chairman, what are the long-term consequences for the United States and Central America of the Administration policy of hidden, covert, low-intensity warfare against Nicaragua?

I believe that it is a policy which ignores the realities of the situation in Central America and the desires of most Latin Americans. Rather than promoting the possibility of installing democracy and peace in Nicaragua, it makes it more unlikely to occur. It is too late to try to militarily overthrow the Sandinista Government, unless we are prepared to use U.S. combat forces to do the job. There is no substantial political support for the Contras inside Nicaragua and continued failed covert actions such as the downing of the C-123 supply plane detract from rather than enhance whatever existing support there is for the Contra effort.

What the Administration is doing with this short-sighted behind-the-back hidden war is continuing a situation which decreases the possibility for the Contadora nations to achieve a

peaceful solution to the conflict in Central America and prolongs needless killing. And at the same time it causes consternation to our democratic friends in the region and throughout Latin America. For example, in the case of the downing of the C-123 and the unfortunate death and capture of some of our fellow citizens, the Administration has seriously compromised and embarrassed the Governments of El Salvador, Honduras, and Costa Rica.

Mr. Chairman, I want to again congratulate you on your past chairmanship of the subcommittee and urge you and your colleagues to put aside your ideological perceptions and realistically evaluate where this Administration's misguided, incompetent war policy is taking the United States in its future relations with Latin America. In my view it is time to step back from this slippery slope to larger war in Central America, which the Administration seems stubbornly set on sliding down, and to accept the facts of the need to allow the nations of Central America to begin to work out a peaceful solution to the conflict which suits their regional needs rather than our concerns. We are at a policy crossroads Mr. Chairman, if we continue on with a policy of emphasizing war rather than peace, then I fear that many more Americans will needlessly die and be captured in Central America. Let us turn instead to a policy supporting regional peace initiatives.

Mr. BARNES. Thank you, Colonel.
Mr. Sheehan.

STATEMENT OF DANIEL SHEEHAN, ESQ. CHRISTIC INSTITUTE

Mr. SHEEHAN. Thank you, Mr. Barnes.

I come before you today to testify in my capacity as chief legal counsel for the Christic Institute. This is a religious public policy center based here in Washington.

The Christic Institute represents over 50 national religious and public interest organizations which have heretofore called for a full-scale congressional investigation of the public charges of criminal conduct lodged against Contra leaders and against their private American supporters.

I am testifying on behalf of these organizations, which include the National Jesuit Office of Social Ministries, the Friends Committee on National Legislation, the United Church of Christ, the Union of Hebrew Congregations, the Presbyterian Church in the USA, and IMPACT, the National Public Policy Coalition of all the major national religious denominations, as well as numerous secular organizations. Together, these organizations represent over 10 million American citizens.

I am the attorney who is supervising the private professional investigation of the major Federal lawsuit filed in Miami Federal Court by journalists Martha Honey and Tony Avirgan against John Hull and 28 other defendants charging these private warmakers with criminal violations of the law in their support of the Contras.

The reason I have been asked to testify on behalf of these organizations is because I am the attorney who is supervising the private investigation of the major Federal lawsuit. We are not suing the U.S. Government. We are suing 29 private individuals which include General Singlaub, Tom Posey, and a number of others.

In fact, we have tendered to the committee today a copy of our Federal complaint, which sets forth the names and identities of 29 defendants, none of whom are officials of the U.S. Government.³

The fact of the matter is that they are being sued under the Federal RICO statute, charging them with being an organized crime operation, that are in fact engaged in a series of Federal criminal actions, ranging from violations of the Arms Export Control Act to the violation of the Neutrality Act, to major narcotics smuggling.

I am submitting today also a copy of the U.S. Senate staff report prepared by Senator John Kerry, and released yesterday afternoon, setting forth some of the details of the information that has in fact been developed by the Senate staff in some communication with our staff of the Christic Institute and with the staff of Ambassador White's organization. The report sets forth the details on the basis of which we believe there is probable cause in fact to believe two very important propositions which we think it is essential for the Congress of the United States to evaluate before giving final authorization to the \$100 million to the Contras.⁴

³ The documents referred to are on file in subcommittee offices.

⁴ The documents referred to are on file in subcommittee offices.

PROBABLE CAUSE THAT BOLAND AMENDMENT WAS VIOLATED

The first is that there exists probable cause to believe that members of the executive branch of our present administration have consciously and willfully undertaken a conspiracy to violate the 1984 Boland amendment, passed by this body, and specifically, we would recommend to the Congress' attention that an investigation be directed against a Mr. Vincent M. Cannistraro. Mr. Cannistraro is the present Director of Intelligence Programs for the National Security Council. Mr. Cannistraro is the U.S. Central Intelligence Agency employee who personally supervised and ran the CIA Contra Military Program from 1981 to 1984 for the Central Intelligence Agency.

When this body passed the Boland amendment, forbidding the CIA and any other intelligence organizations from giving direct or indirect support to the Contras, Mr. Cannistraro was transferred from the CIA into the National Security Council.

From this base, Mr. Cannistraro has supervised the direct private Contra aid network, and has allowed Lt. Col. Oliver North to become gradually the front man who has been so many times publicly accused of coordinating this private war.

Now, we believe that with this type of information about such a specific individual working with the Central Intelligence Agency in complete defiance of the mandates of the U.S. Congress that it would be reckless indeed for this body to go forward and to authorize an additional payment of \$100 million to the Contras, because this constitutes good grounds on the basis of which to conclude that the American Central Intelligence Agency does not have the slightest intention of being constrained by the specific restrictions that are placed upon this type of aid by this body.

More specifically, I refer to the restrictions that are on the tentative approval prohibiting any U.S. military personnel or others from coming within 20 kilometers of the Nicaraguan border.

We believe that the evidence that exists with regard to the intentional violation of the Boland amendment by members of the executive branch constitutes grounds for believing that such additional restrictions will not be abided by.

CONSPIRACY TO VIOLATE NEUTRALITY ACT

Second, aside from the proposition that the executive department personnel has been directly involved in consciously violating the Boland amendment, we point out that the evidence that has been developed by our professional investigators, which will be tendered to the U.S. district court in Miami, demonstrates there is overwhelming evidence demonstrating that the private networks are engaged in an intentional conspiracy to violate the Neutrality Act of the United States.

They have been recruiting military personnel in Alabama, and in Houston, TX, and they have been sending these military shipments from Florida, and this information has been presented to the U.S. Justice Department, to the FBI, and there are direct eyewitnesses who have passed lie detector tests tendered to Mr. Leon Kellner's office in Miami, and demands have been made that investigations be pursued.

In fact, since particular telephone calls have come to the office of Leon Kellner, that were in fact initiated from the office of Mr. Ed Meese, these investigations have been stopped.

The fact of the matter is, there is direct evidence that the telephone calls have come not only from Mr. Meese, but they have some from particular assistants who work in his office, directing that these investigations be conducted very, very, very slowly.

These individuals are Mr. Lowell Jensen, and Mr. Steven Trott of the Attorney General's Office, instructing Mr. Kellner in that manner. Now, we believe that this constitutes something very similar to what we have seen in the past.

We have to recall that during the process of the investigation of the Watergate burglary, that there were numerous occasions upon which Justice Department officials and high-level Government officials came before committees of Congress and flatly asserted that they had nothing to do with these types of operations, these were all private, that in fact these were efforts undertaken on behalf of some individuals, though well-meaning, that were very, very concerned, and that the White House and the executive branch had nothing to do with these operations.

What we do not want to see happen, as representatives of the religious community and the public interest community, is another very serious wrenching of the fabric of our constitutional government by having to undertake a confrontation of the nature that occurred during that unfortunate period of our history, and we think that it is in fact demeaning to Members of Congress for the necessity to prevaricate so conspicuously about their not being involved or having any knowledge of these types of operations.

REEVALUATION OF \$100 MILLION FOR CONTRAS

What we would like to recommend is that the Congress in these waning days of the 99th Congress reevaluate their position on authorizing this \$100 million, because if they don't, then there is going to be dramatic trouble when the evidence begins to unfold in the U.S. district court in Miami, demonstrating the conspicuous criminal nature of the activities undertaken.

I would like to close more informally by trying to seek out with the Congress some method by which this type of potential tragedy in our constitutional history can be avoided.

There is no doubt, I believe, in fact, of what the gentlemen have said in this room today. I do not believe that there is a good-faith belief on the part of any individual here that these operations are not known by the executive branch, or that members of the intelligence community are not involved in supervising and authorizing these types of activities.

The tragedy to the American people is that men of such honor, because of their political convictions as to the inadequacies of the Sandinista government, are pressed to the point of sacrificing, not only their own personal integrity with regard to honesty, but also sacrificing the structures of our Government: to allow the Justice Department, upon which the American citizens depend to enforce these laws, to be put into a position of allowing this type of criminal enterprise to go forward; and to require the free press of our

country to delve into these things and to gather evidence day by day to demonstrate that the National Security Council and members of the executive branch have been directly involved in this type of activity, in the face of mounting denials on the part of the executive branch—this poses a potential tragedy for our government.

It threatens the credibility of our Government institutions. It threatens an additional debacle of a particular administration that still has 2 years left of its history, and for those of us who support the legal processes in this country, it asks the judiciary branch of our Government to allow a legitimate civil investigation of these activities and come before the U.S. Congress and ask the Congress to utilize its powers to avoid this type of confrontation, we implore your attention to this type of information.

The investigation of these activities is not going to require an extensive period of time, that the moneys that are flowing and the material which is flowing to the Contras at this time is not of the nature that will cause them to starve or disappear from the face of the Earth while such an investigation takes place, and we would ask that this \$100 million be delayed, until such time as the Congress can undertake a meaningful investigation.

I don't think that anybody here today thinks that this is a meaningful investigation that is going on here this afternoon with the type of rancor that goes back and forth between the Republicans and the Democrats on a committee like this, we are not getting anywhere.

I know the Speaker asked that this hearing be held after meeting with the veterans, the Vietnam War veterans who are literally perishing on the steps of the Capitol, and requesting something be done, but it seems that we can do better than this, that we can make more effective demands on our representatives, that our representatives can respond in a more effective manner, and the Justice Department can respond with greater integrity, and the American citizens deserve better than this, and whichever way we happen to feel about the Sandinista government, there are legal procedures by which that kind of objection can be registered.

In our investigations, I have met with numerous people with whom I do not always agree politically, yet all of us agree that for this type of thing to have developed to the stage it has, with the blatant narcotics trafficking, the lying that is going on, there is such a threat to the fabric of our own Government that the American people deserve better, and I would request that we reach beyond our normal expectations of, oh, there is nothing that can be done about this \$100 million, this \$100 million has to go or else the whole war will be lost.

That is not true, and we know it is not true, and we can in fact avoid a serious problem in our Government by taking a somewhat more courageous stand in these final days of the 99th Congress, and in the very end of your service as chairman of this committee.

Thank you very much.

[The prepared statement of Mr. Sheehan and attachments follow:]

PREPARED STATEMENT OF DANIEL SHEEHAN, GENERAL COUNSEL, CHRISTIC INSTITUTE

The Christic Institute represents over 50 national religious and public interest organizations which have heretofore publicly called for a full-scale congressional investigation of the public charges of criminal conduct lodged against Contra leaders and against their private American supporters.

I am testifying on behalf of these organizations, which include the National Jesuit Office of Social Ministries, the Friends Committee on National Legislation, the United Church of Christ, the Union of American Hebrew Congregations, the Presbyterian Church in the USA—and impact (the National Public Policy Coalition of all the major national religious denominations)—as well as numerous secular organizations. Together these organizations represent over 10 million American citizens.

I am the attorney who is supervising the private professional investigation of the major Federal law suit filed in Miami Federal Court by journalists Martha Honey and Tony Avirgan against John Hull and 28 other defendants charging these private war makers with criminal violations of the law in their support of the Contras.

I am submitting to the subcommittee today a copy of this Federal complaint along with a copy of a United States Senate staff report released yesterday by the office of Senator John Kerry. Together these documents set forth factual information which presents to the Congress two major reasons why Congress should hold up final approval of the \$100 million approved for the Contras.

First: The evidence developed by the Christic Institute in its investigation of the *Avirgan* case and the evidence developed by Senator Kerry's staff constitute probable cause to believe that United States executive branch personnel willfully violated the 1984 Boland amendment passed by Congress forbidding U.S. Government officials from providing either direct or indirect military aid to the Contra forces unless the United States Congress rendered final approval of such aid. These facts constitute good cause to believe that the Reagan administration does not consider itself bound by the will of the American people as expressed by their elected representatives and will not obey any restrictions placed by the Congress on the expenditure of the \$100 million tentatively approved by Congress to aid the Contras in the future. These restrictions include a prohibition on American military personnel being within 20 kilometers of the Nicaraguan border.

Second: Aside from the issues of direct participation by executive branch personnel in supervising the "private" Contra aid network, our investigation has gathered evidence of a willful conspiracy within the United States Justice Department to obstruct justice by stopping the lawful investigations of the criminal conduct of members of the private military aid network assisting the Contras.

For the Congress to finally approve the contemplated funding, while in possession of this evidence would constitute a gross violation of the trust the American people have placed in this body to see to it that the executive branch faithfully upholds the laws of this country.

With regard to the specific evidence that personnel of the United States executive branch are operating in willful violation of the Boland amendment by directly supervising the supplying of military equipment and aid to the contras, the Christic Institute directs the attention of the United States Congress to one Vincent M. Cannistrano, the present Director of Intelligence Programs for the National Security Council. Mr. Cannistrano is the United States Central Intelligence Agency employee who personally supervised and ran the CIA Contra military program from 1981 to 1984 when the Boland amendment was passed by Congress prohibiting CIA involvement with the Contras.

Vincent Cannistrano was then simply transferred over to the National Security Council, from which base Mr. Cannistrano continued to supervise and direct the "private" Contra aid network, allowing Lt. Col. Oliver North to be the "front" man for this continuing CIA operation.

For the United States Congress to allow its clearest prohibition imposed upon the CIA to be so blatantly disregarded—and to, then, approve \$100 million more for the CIA leaves no hope that the American legal structure will be respected by the CIA for the duration of this tragic war.

With regard to the second issue: The willful conspiracy on the part of the Justice Department to block investigations or prosecutions of blatant violations of U.S. criminal laws, the Christic Institute directs the attention of Congress to the office of the United States attorney in the Southern District of Florida supervised by United States attorney Leon Kellner.

This office has systematically turned away and refused to investigate absolutely direct, concrete evidence of blatant criminal conduct on the part of Miami-based "private" supporters of the Contras.

One example is the evidence of the March 6, 1985 shipment of 6 tons of war materials and arms to the Contras from the Fort Lauderdale—Hollywood airport to the now famous Ilopango military base in El Salvador.

As was pointed out by Senator Kerry in his October 14, 1986 staff report, this shipment of arms was flown directly from U.S. soil to Ilopango where Max Gomez, aka Felix Rodriguez, supervised its transfer to smaller planes and then flown to the Costa Rican ranch of American John Hull, where the arms were unloaded and distributed to Contras and their mercenary assistants.

Detailed information regarding this shipment was provided to the United States attorney Leon Kellner by the United States public defender's office in Miami in January of 1986—complete with eyewitnesses who confessed their participation in this enterprise. Details, including the serial numbers on certain of the arms were provided to Mr. Kellner's office by witnesses communicated to Mr. Kellner's assistant Jeffrey Feldman by Federal public defender John Mattes.

However, a number of telephone calls were then placed to Mr. Kellner personally by Edwin Meese, Lowell Jensen, and Steven Trott of the Attorney General's office instructing Mr. Kellner "to proceed very, very, very slowly" in any investigation of this case.

Numerous other witnesses have been presented to Mr. Kellner's office—all of whom have been turned away. Mr. Kellner followed his instruction from Washington so well that to date there have been no indictments of anyone associated with these criminal activities.

CONCLUSION

For the Congress to fail to insert into the legislation authorizing an additional \$100 million to the Contras an amendment holding up such funding until this evidence has been fully investigated by the Congress—along with its investigation of the October 5, 1986 falling of an American plane carrying weapons over Nicaragua—will subject each member to severe, and just, criticism from his or her constituents when this information is proven to have been known to Congress before it acted.

I request permission to supplement my testimony with additional materials. Thank you for the opportunity to present this information to you.

Mr. BARNES. Mr. DeWine.

Mr. DEWINE. I have no questions, Mr. Chairman.

Mr. BARNES. Mr. Burton.

COMMUNIST THREAT IN CENTRAL AMERICA

Mr. BURTON. Do you think there is a Communist threat down there?

Mr. SHEEHAN. I know there is. I don't have the slightest doubt that there is.

Mr. BURTON. I know, you are very verbose, so can you in about 1 minute tell me how you would deal with them?

Mr. SHEEHAN. The fact of the matter is, as you know, Mr. Burton, the major excuse that is being generated by the more Stalinist elements in the Sandinista government is that they are being subject to war attacks on them.

The sacrifice of civil liberties, freedom of the press, all of these things are being justified by means of need to establish a national security state down there.

The policy of this administration coming in to mount military attacks against that administration has justified those types of erosions of civil liberties. There was a legitimate process under way with the churches involved, public interest organizations involved to try to mollify that operation, after the many years of injustice they suffered, we tried and were in the process of mollifying that organization.

It is not being allowed to take place anymore.

Mr. BURTON. I have been down there and talked to some of the people who used to be members of the Sandinista Government who ended up leaving the Sandinistas. They were members of the various—in fact, one was a commandante at one time, I believe he was, and he told me at a dinner at the Ambassador's house, when I was down there a year ago, that, and I think Ted Weiss, Congressman Weiss was sitting next to him, and he said during the conversation that he didn't philosophically agree with me on almost anything, and he said this to Ted Weiss:

"Congressman Weiss, you and I philosophically are very, very close, but one thing I want to tell you, Mr. Weiss," he said, "is Congressman Burton will be correct in that you should be giving aid to the Contras, because once the Contras are completely defeated, the Sandinistas will solidify their position in this country."

Mr. SHEEHAN. Do you have the slightest suspicion the Contras can succeed militarily against the administration down there? Just answer me. You do know perfectly well they cannot.

Mr. BURTON. I don't know any such thing.

Mr. SHEEHAN. Well, you should.

Mr. BURTON. You had your chance to expound on this for a minute. Now, I will ask you a question; and you can respond.

Mr. SHEEHAN. Surely, I am respectful of that.

Mr. BURTON. The people who have been there feel strongly that the revolution will expand rapidly throughout Central America if there is no viable force putting pressure from an interior standpoint in that government.

I have been to Guatemala, El Salvador and talked to captured Communist guerrillas in those countries, and they told me they were being supplied through Cuba, and their training was taking place inside Nicaragua, so there is a threat not only to the people of Nicaragua and their rights that are being violated, but there is a threat to the whole region. It really bothers me, I guess I find it kind of curious that this suit that you have filed against these people in Florida comes at a time when this \$100 million in humanitarian and military aid is about to take place, and in all of these allegations that you have made, none of which have yet been substantiated, I know you have just made the allegations, but none have been proven, are being so forcefully expressed today, after we have already voted for the \$100 million in aid.

You are making a last-ditch effort to stop this aid from getting down there. Now, I find that reprehensible as far as I am concerned, but I have some other questions.

Mr. SHEEHAN. I would have taken steps, if I could have to have stopped, whatever, during Watergate, if I had been there.

Mr. BURTON. That bothers me also. To make a comparison between this administration and Watergate is reprehensible. There has been no allegations about this administration being corrupt.

Mr. SHEEHAN. I didn't say corrupt. I said engaged in criminal conspiracy to violate the laws of the United States.

Mr. BURTON. Conspiracy is not corruption?

Mr. SHEEHAN. It is a criminal conspiracy.

Mr. BURTON. You have yet to prove that. Until that time comes, I and many of my colleagues are going to continue to support what we consider to be freedom fighters who are fighting against a gov-

ernment down there who has made promises they have not kept, represses its people, who is closely tied to the Soviet Union, they send equipment in their each year, and all you are here to do is to nullify this government, and to point out how this government is doing the wrong thing by trying to support what we consider to be freedom fighters fighting for their own country?

Mr. SHEEHAN. If this plane took off from Miami, FL, it is virtually certain that it did.

Mr. BURTON. Just a minute. There is another allegation you have just made. There has been no evidence whatsoever put before this committee that that plane took off from Miami, FL. People have said that it took off from El Salvador, but not—in addition to that, the weapons in that plane were not American, they were AK-47 machine guns, Soviet-made, bought probably on the world market, and the people flying those planes were probably American soldiers of fortune and they may very well have believed they were members of the CIA, but no proof has been given to this committee that that flight emanated from American territory or was at the direction of the American Government, and the allegations have been made time and again today about how terrible our Government is, and how the CIA's involvement, and until that has been proven, I don't think you should make the case that that money should not go down there.

Mr. SHEEHAN. We don't get anywhere by misinterpreting each other's position. I have not said that this Government is corrupt. I said the administration—that is not our Government. That is the point I am trying to make.

Mr. BURTON. OK, the Reagan administration.

Mr. SHEEHAN. Congress is the Government.

Mr. BURTON. I support the Reagan administration, and you are saying that the Reagan administration has been corrupt, involved in criminal activity?

Mr. SHEEHAN. They are violating the Neutrality Act, a criminal statute.

Mr. BURTON. You said a minute ago—

Mr. SHEEHAN. It is a criminal conspiracy to violate the Neutrality Act, and it will not take too long before we will all be certain of that, including yourself.

Mr. BURTON. I had a number of questions for Lieutenant Colonel King, but I won't ask them.

Mr. Chairman, I find it curious that the Speaker, who has been opposed to aid for the freedom fighters from day one, would ask you to call this hearing 1 week before we adjourn, in a last-ditch effort to stop the \$100 million from getting to the freedom fighters in Central America. I find it very curious.

This Congress has spoken and voted in both Houses to send that \$100 million down there, and today we have the Speaker of the House—and in his waning days as Speaker, and you, in your waning days as chairman—trying in a last-ditch effort to stop that money from getting down there to freedom fighters who are re-using bandages on people who have already died, or been wounded, who need ammunition and food as well as hospital equipment, and they are dying on the vine, and the Sandinistas know that when that \$100 million gets down there it will revitalize those people and

they can build their forces and put additional pressure on their government to bring about positive changes and live up to the promises that they made in 1979.

I just can't tell you the, I guess, disgust that I feel for three men of your caliber to come in here at the last minute and try to stop that from happening, and to accuse this government—and when I say government now I am talking about the President of the United States—of being involved directly or indirectly in criminal activity.

The people of this country have great respect for Ronald Reagan, for his administration, and until you can prove in a court of law what you have said here today I think you should keep your mouth shut.

Mr. SHEEHAN. Two-thirds of the people disagree with you. The democratic institutions are to be protected. That ought to be respected, whether it is the last-ditch effort or the best effort we can make.

Mr. WHITE. Mr. Burton, I think you should withdraw the remarks that you have contempt for us because we are here. We are here because we were invited by the chairman to come here. Colonel King and I have spent many, many years in Central America and are here as expert witnesses. How do you reconcile the fact that Ilopango Air Force Base is a base where the U.S. Government participates in the administration, and the statement by Assistant Secretary Abrams that he doesn't know what is going on at Ilopango. I think this damages the credibility of this Government even further.

Mr. BURTON. Well, that is your opinion, and you are entitled to that. But the problem is, when you come here, the three of you, and make allegations like Mr. Sheehan just made—

Mr. WHITE. Mr. Sheehan can defend himself, sir.

The point is this, sir: That you characterized what I say as opinion. I am stating to you as a fact that there is no possibility, no possibility, that the U.S. Government could be unaware of flights leaving Ilopango Air Force Base. And, if you will check, you will find that that base is, in effect, jointly administered. And when Elliott Abrams sits here and says that he can't reveal to us—because these are intelligence sources—90 percent, sir, of the intelligence that comes to the U.S. Government comes from overt sources. And the fact that the Ilopango Air Force Base—that we have people inside, is known to Colonel King, known to me. We have been on that base. And to deny this, and not to investigate, and to characterize our appearance as contemptible, strikes me as not befitting a member of Congress.

Mr. BURTON. You are entitled to your opinion.

The Neutrality Act is the issue here.

Mr. WHITE. The participation of our Government is also at issue.

Mr. BURTON. The violation of the Neutrality Act is at issue here. And if you can prove that our Government was involved, that is at issue, as well. There has not been any proof made. Your allegations, we have all heard those; and we have also heard that the Neutrality Act has been violated, with no proof to that, either.

Instead of making these allegations, I think that you should check your sources and your information and come to us with hard

facts. You consider these to be facts that our Government knows and was complicit in this activity. But there has been no proof brought before this committee today to prove that.

Colonel KING. No proof that you will accept, Mr. Burton. We have all been there. We have seen it. You say we are lying. We have seen it with our own eyes.

Mr. BURTON. You saw American personnel——

Colonel KING. Yes, sir.

Mr. BURTON [continuing]. From our Government?

Colonel KING. Not from our Government. American personnel.

You have been talking for about 25 minutes. Can we say one or two words before we leave?

I am saying to you what I said to you about 20 minutes ago: That on the base at Ilopango there are American civilians wearing fatigues like Mr. Hasenfus had on. They have been there since 1983. They are on the base every day and fly the planes parked up on the ramp. I have talked to them, seen the planes. I know they are there. And I have seen their activity.

I am telling you a fact, and you are then in effect telling me I am a liar, and also saying I am contemptuous for coming here to tell you this fact. It is indeed frustrating to try to give you facts since you won't even accept them. Your ideological prejudices blind you.

Mr. BURTON. You saw those people there, and you saw the planes?

Colonel KING. You cannot get on the base at Ilopango if you are a North American, as I said to you, unless the Embassy vouches for you, the military group vouches for you, or the Salvadorans take you on. You cannot get on that base.

I have been on there about 10 times. You have been on there once. Yet you say I don't know what I am talking about, but you do.

Mr. BURTON. Let me ask you a question. Civilians have to be cleared by those sources?

Colonel KING. Every North American who goes on that base has to be cleared.

Mr. BURTON. Does that necessarily follow, that they couldn't be there conducting civilian flights off of that base carrying cargo of one type or another?

Colonel KING. No, sir. The military base is under the command of Gen. Rafael Bustillo, chief of staff of the Salvadoran Air Force, and he does not permit that. There are no civilian flights out of Ilopango except when the President of the Republic of El Salvador—leaves the country and he is the commander in chief. There are no civilian operations on that military base.

TESTIMONY FROM EYEWITNESSES

Mr. SHEEHAN. Mr. Burton, there are direct eyewitnesses that have gone to the U.S. attorney in Miami who participated in loading military hardware onto airplanes at the Fort Lauderdale Airport, flown to Ilopango directly. They got on the flight—testified about it—flew there, landed at Ilopango, and Max Gomez helped unload the plane, put the small arms on another plane, and they

were flown to Costa Rica to John Hull's farm and distributed to the Contras. That is an unequivocal violation of the Neutrality Act.

There are direct eyewitnesses who have confessed to a U.S. attorney, passed lie detector tests, and telephone calls have come in to tell them not to pursue it. That is proof beyond any doubt, and no one is doing anything about it.

Mr. BURTON. These weapons you allege were brought from the United States, Miami, they went to Ilopango Air Force Base?

Mr. SHEEHAN. And put onto smaller planes and flown to John Hull's farm in Costa Rica and distributed to the Contra forces.

Mr. BURTON. You have people that document that at each point?

Mr. SHEEHAN. From point to point. Got on the airplane, flew with it to Ilopango, stayed there, watched the process take place, watched the planes take off, landed on Hull's ranch, and other people who saw it land on the ranch.

Mr. BURTON. They saw the arms then given to the Contras?

Mr. SHEEHAN. Absolutely.

How does one respond to that type of factual evidence?

Mr. BURTON. When does this case come to trial?

Mr. SHEEHAN. Federal discovery, in 30 days, when the Federal subpoena power will vest and these people will be brought in to testify under oath. And they testified and passed lie detector tests, and the FBI agents are convinced that this is true, and nothing is being done about it.

Mr. BURTON. I will watch with great interest the outcome of this case.

Mr. BARNES. Mr. DeWine has indicated he now has a couple of questions.

Mr. DEWINE. Ambassador White, I just want to say that my recollection of Elliott Abrams' testimony this afternoon was a little different than yours. I recall him saying that he did not feel that in open session he could get into a discussion about the Ilopango Airport. I don't recall him saying he didn't know what was going on there. I would make that comment.

There is quite a distinction between the two. That is just my recollection.

Mr. WHITE. Sir, I think that he said he couldn't reveal the information because it came from intelligence sources.

Mr. DEWINE. That is different from saying he didn't know what was going on.

Mr. WHITE. Sir, there is a point to emphasize. Everyone who is in the U.S. Government knows what is going on in Ilopango.

Now, the idea that Mr. Abrams doesn't respond to these questions because this would reveal sensitive intelligence is just simply a lack of accountability on his part because, as I said, most intelligence comes from overt sources.

Mr. DEWINE. That is your opinion.

Mr. WHITE. No, it is not my opinion. That is in the Political Handbook of the Foreign Service.

Mr. DEWINE. I don't have much time. We have a lot of things to do tonight.

Mr. WHITE. May I finish my sentence?

Mr. DEWINE. Give your speech.

Mr. WHITE. It seems to me what we are discussing is not what is proved beyond a shadow of a doubt, but that we need to thoroughly investigate. Given the news stories of the past week, it seems to me that we are compelled to ask at a minimum the hard questions. And you, and Mr. Burton, together with Mr. Abrams, seem to find that investigation unnecessary. And I find that surprising.

Mr. DEWINE. The only point I made was—I was trying to limit what I was saying, because I think I know your position, and I have read your statement—the only thing I was trying to say is, you misrepresented what Ambassador Abrams said. All he said was, “I am not going to discuss it in an open meeting,” period. He didn’t say, “I don’t know what is going on at Ilopango.” I think that is different, period; that is all.

Could you tell me where the funding for the International Center for Development Policy comes from?

Mr. WHITE. Yes, sir. It comes from a variety of foundations and from direct mail appeals. We take no Government money from any sources.

Mr. DEWINE. Tell me some of the foundations that contribute money.

Mr. WHITE. The MacArthur Foundation—do we have a list?

Mr. SHEEHAN. Is this a Russian gold question, that somehow the Russians are supporting these foundations?

Mr. DEWINE. Mr. Sheehan, you volunteer all kinds of information. When I have a question for you, I will ask it.

Mr. SHEEHAN. I am doing the best I can to volunteer information.

Mr. DEWINE. Mr. Sheehan has to keep continuously talking. I am not going to give him the floor; you can.

Mr. WHITE. Sir, we have money from the MacArthur Foundation, from several foundations connected with the Rockefeller family, Field Foundation, and, as I said, many others that don’t come readily to mind.

Mr. DEWINE. What percentage of your funds are from direct solicitation from private individuals?

Mr. WHITE. I would say probably 60 percent.

Mr. DEWINE. I have no further questions. Thank you.

Mr. BURTON. Would you yield to me one second?

Mr. DEWINE. If I have any time.

Mr. BURTON. Are any of you familiar with the law firm of Reichler and Appelbaum?

Mr. WHITE. Yes, sir.

Mr. BURTON. Do you have any connection with them at all?

Mr. WHITE. Paul Reichler is my personal lawyer, and has been for the past 6 years, ever since I got out of the Foreign Service. The law firm for which he worked at that time, Arnold and Porter, offered to do my legal work on a pro bono basis.

Mr. BURTON. Do they support your foundation?

Mr. WHITE. No, sir.

Mr. BURTON. He is your attorney?

Mr. WHITE. My personal attorney.

Mr. BURTON. Earlier today, we brought up the fact Reichler and Appelbaum are the legal representatives of the Sandinista government, and they received \$320,000 from the Communist Sandinista government last year.

Mr. WHITE. I know that, and they also represent other governments and other entities. That is one of their clients.

REICHLER AND APPLEBAUM

Mr. BURTON. They were responsible for and helped arrange for the human rights study that was published by the Washington Office on Latin America which was later proven to be pretty much Communist disinformation.

Mr. WHITE. I was not involved in that, of course, in any way.

Mr. BURTON. But he is your attorney?

Mr. WHITE. Yes.

Mr. SHEEHAN. Mr. Burton, I did go to Harvard Law School, and so did he.

Mr. BURTON. Are you connected with him?

Mr. SHEEHAN. No; just that we went to the same law school.

Mr. BURTON. That is great.

Mr. SHEEHAN. You might ask some of his professors of his political background, or mine.

Mr. BURTON. I might also, as a point of interest to you, let you know that the gentleman who is the spokesman for Daniel Ortega graduated from Harvard, as well.

Mr. SHEEHAN. I guess that must prove it then; right?

Mr. BARNES. Well, I had a whole lot of questions but my two colleagues have succeeded in eliciting a lot of answers that I would have sought from the witnesses.

DIFFERENT VIEWS OF CENTRAL AMERICAN REALITY

It is extraordinary that we get two such very different views of Central American reality from the administration, and from others who have spent a lot of time there in public service and out of public service.

There are a lot of, it seems to me, unanswered questions with respect to this particular incident, unanswered by the administration.

I would differ a little bit with the gentleman from Ohio, who said that Secretary Abrams indicated he simply couldn't answer the question. In some instances, he said he did not know.

Mr. BURTON. Would the chairman yield?

It was brought out in testimony earlier, though, that Mr. Hamilton and Senator Durenberger and others admitted, from the Intelligence Committee briefings, that in their opinion there was no CIA involvement in this incident.

Mr. BARNES. The point I was referring to was, Mr. Abrams' comments that he did not know where the plane flew from, or who financed it, who was involved in it. I find that extraordinary, and he indicated he was curious about it but that he did not know the answer to those questions.

I still don't know the answers to those questions. And whether or not we are going to be able to pursue this, to find out the answers to those questions, remains to be seen. But I am grateful to all the witnesses today, both from the administration and the other witnesses who appeared this afternoon, for your effort to help us find the answers. We are very grateful. Thank you.

That concludes this hearing of the subcommittee.

[Whereupon, at 6:20 p.m., the subcommittee adjourned, subject to the call of the Chair.]

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